



UPDATED PACK

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

CHIEF EXECUTIVE
Doug Wilkinson

05 February 2025

Dear Councillor

You are summoned to attend the meeting of the;

COUNCIL

on **THURSDAY 13 FEBRUARY 2025** at **7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To submit a question in writing or attend in person please complete a [Public Access form](#) (to be received no later than 12noon two clear working days before the Council meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Chief Executive





AGENDA COUNCIL

THURSDAY 13 FEBRUARY 2025

1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes - 12 December 2024** (Pages 9 - 18)

To confirm the Minutes of the Council meeting held on 12 December 2024 (copy enclosed).

4. **Declaration of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

Local Government Finance Act 1992 – Section 106

Will any Members affected by Section 106 please note that any declarations to that effect should be made on the commencement of the meeting or immediately on arrival if this is later. Under Section 106 a Member who has not paid an amount due in respect of their Council Tax for at least two months after it became payable is precluded from voting on any matters affecting the level of Council Tax or the arrangements for administering the Council Tax. (The Member is, however, entitled to speak).

5. **Public Questions**

To receive questions from members of the public, of which prior notification in writing has been received (no later than noon two clear working days before the day of the Council meeting).

Should you wish to submit a question please complete the online form at www.maldon.gov.uk/publicparticipation.

6. **Chairperson's Announcements**

7. **Minute Book**

To consider the recommendations coming forward from the Committees detailed below. Please note that the Minutes of these meetings are not enclosed as they have not been approved at Committee level.

- a) Performance, Governance and Audit Committee - 16 January 2025 (Pages 19 - 42)

[Link to Committee report pack](#)

Amended Contract Procedure Rules in line with legislation under the Procurement Act 2023

RECOMMENDED

- (i) That subject to the above amendment, the Contract Procedure Rules 2025 (attached at **APPENDIX 1**) be approved to ensure the Council is compliant with the Procurement Act 2023;
- (ii) that the Council's Constitution at pages 218 to 242 is updated with the Contract Procedure Rules 2025.

- b) Strategy and Resources Committee - 23 January 2025 (Pages 43 - 256)

[Link to the Committee report pack](#)

Fees and Charges Additional Information: Car Park Charges – Burnham-on-Crouch

RECOMMENDED

- (i) That the Car Park charges proposed for all Burnham-on-Crouch car parks not be agreed, and the Council continues to offer free car parking at all Burnham-on-Crouch car parks.

Council Tax Support Scheme 2025 / 26

RECOMMENDED

- (i) That the following changes to the existing schemes are approved:
 - a. a cost of living increase in line with the Department for Work and Pensions schemes be included in the Local Council Tax Support Scheme (LCTS) for 2025 / 26 for Pensioners only;
 - b. that any legislative changes being introduced to the Housing Benefit Scheme, for 2025 / 26 are mirrored in the Council's LCTS to ensure consistency;
 - c. minor technical amendments to ensure that the Council is able to administer the Scheme reflecting current local and national guidance and that the Council may disregard anything determined to be a local welfare payment from its calculation;
- (ii) that these decisions have been made following Members careful reading of and regard to the Equality Impact Assessment at **APPENDIX 1**;
- (iii) that Members note the unchanged framework for the Hardship Provision at **APPENDIX 2**;
- (iv) that the Policy document at **APPENDIX 3** be approved;
- (v) that the final Policy document relating to the Council Tax Support

Scheme at **APPENDIX 4** be approved.

Business Rate and Council Tax Discretionary Polices 2025 / 26

RECOMMENDED

- (i) That the proposed Discretionary Non-Domestic Rate Relief Scheme at **APPENDIX 5** be approved;
- (ii) That the proposed Empty Homes and Second Homes Premium Policy at **APPENDIX 6** be approved.

Hythe Quay Dredging Project

RECOMMENDED

- (i) That a budget provision of up to £135,000 is created for desilting the Hythe Quay and Visitors Pontoon.

UK Shared Prosperity Fund 2025 / 26 Allocation

RECOMMENDED

- (i) that Members consider the opportunity to 100% match fund the Council's allocation to maximise delivery opportunities for the benefit of communities and the District.

Revised Health and Safety Policy and Statement of Intent

The Strategy and Resources Committee (S&R) at its meeting on 23 January 2025 discussed the report related to this item of business and Members made a number of recommendations to the Council.

Following feedback from the S&R, the Council is asked to defer consideration of these recommendations to allow Officers to review the tone of the Council's Corporate Health and Safety (H&S) Policy before it is brought forward to the Council for approval. In response to recommendation (i) Officers propose that the Council has a separate H&S policy for Members that better reflects their activities, linking to other relevant policies as required. As Council Members are generally not classed as 'paid employees' and so in some respects, fall outside of the Health and Safety at Work Act 1974, senior officers feel this would be a better approach. Members will have the ability to inform this Policy through a focused Task and Finish Working Group, with the Corporate Health and Safety Manager there to provide support and guidance.

The Council is therefore asked to consider amending the recommendations of the Strategy and Resources Committee as follows:

RECOMMENDED

- (i) That ~~the a separate~~ Health and Safety Policy be ~~further revised to include~~ Members, ~~linking to other relevant policies where appropriate~~;
- (ii) That subject to (i) above, the revised Health and Safety Policy (Appendix 1 to the report) and Statement of Intent ~~for Officers~~ be adopted;
- (iii) That the roles and responsibilities of Committee Members and key staff

in each policy be noted;

- (iv) That the annual review period in each policy be noted;
- (v) That two Members of the Council be appointed to ~~the a~~ Officer Working Group to produce a Member Health and Safety Policy.

Please note that the following recommendations coming forward from the Strategy and Resources Committee are not for consideration at this point as they form part of other agenda items (see below) due to be considered at this meeting:

Agenda Item 10

- Income and Savings Proposals 2025 / 26 to 2028 / 29

Agenda Item 12 – 2025 / 26 Budget and Medium-Term Financial Strategy

- Capital and Investment Strategy for 2025 / 26, Minimum Revenue Provision Statement 2025 / 26 and Treasury Management Strategy 2025 / 26;
- 2024 / 25 Revised and 2025 / 26 Original Budget Estimates;
- Medium-Term Financial Strategy 2025 / 26 – 2027 / 28.

8. **Minutes of Meetings of the Council**

To note that since the last Council, up until Wednesday 5 February 2025 (Council agenda dispatch) the following Committees have met, and to receive any questions in accordance with Council and Committee Procedure Rule 6 (2).

North Western Area Planning Committee	4 December 2024
Performance, Governance and Audit Committee	5 December
South Eastern Area Planning Committee	11 December
Central Area Planning Committee	18 December
Joint Standards Committee	19 December
North Western Area Planning Committee	14 January 2025
Performance, Governance and Audit Committee	16 January
Strategy and Resources Committee	23 January

9. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

10. **Income and Savings Proposals 2025 / 26 to 2027 / 28** (Pages 257 - 262)

To consider the report of the Interim Chief Finance Officer (copy enclosed).

11. **Resumption of Business in Open Session**

To resume the meeting of the Council in open business.

12. **2025 / 26 Budget and Medium-Term Financial Strategy**

To receive a **Budget Statement from the Leader of the Council**, to consider the

following reports of the Section 151 Officer (copies enclosed) and to determine the level of Council Tax.

Members' attention is drawn to the following Procedure Rules:

- **Voting** – Procedure Rule 13(5) set outs the requirement for any vote taken at a budget decision meeting (as defined by the Local Government Finance Act 1992) to be recorded in the Minutes.
 - **Budget Speech** – Procedure Rule 1(13)(a) sets out the time limits in relation to the budget speech and (b) details the requirements for making alternative proposal or amendment as part of the Budget and Council Tax setting.
 - a) Capital and Investment Strategy for 2025 / 26, Minimum Revenue Provision Statement 2025 / 26 and Treasury Management Strategy 2025 / 26 (Pages 263 - 336)
 - b) 2024 / 25 Revised and 2025 / 26 Original Budget Estimates (Pages 337 - 370)
 - c) Medium-Term Financial Strategy 2025 / 26 - 2027 / 28 (Pages 371 - 402)
 - d) Council Tax 2025 / 26 (Pages 403 - 412)
13. **Questions in accordance with Procedure Rule 6(3) of which notice has been given**
14. **Council Offices Princes Road** (Pages 413 - 416)
To consider the report of the Deputy Chief Executive, (copy enclosed).
15. **Consultation Response - Standards and Conduct Framework** (Pages 417 - 426)
To consider the report of the Monitoring Officer (copy enclosed).
16. **Statement of Licensing Policy 2025 - 2030** (Pages 427 - 504)
To consider the report of the Deputy Chief Executive, (copy enclosed).
17. **Street Collections Policy 2025-2030** (Pages 505 - 524)
To consider the report of the Deputy Chief Executive, (copy enclosed).
18. **Business by reason of special circumstances considered by the Chairperson to be urgent**
19. **Exclusion of the Public and Press**
To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.
20. **Procurement of Cleaning Services for Public Conveniences** (Pages 525 - 564)
To consider the report of the Deputy Chief Executive, (copy enclosed).

NOTICES

Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber.

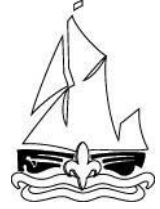
Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

Lift

Please be aware, there is not currently lift access to the Council Chamber.

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**MINUTES of
COUNCIL
12 DECEMBER 2024**

PRESENT

Chairperson	Councillor K M H Lagan
Vice-Chairperson	Councillor R G Pratt
Councillors	M G Bassenger, V J Bell, D O Bown, S J Burwood, J Driver, M F L Durham, CC, A Fittock, A S Fluker, L J Haywood, J C Hughes, A M Lay, W J Laybourn, S J N Morgan, C P Morley, R H Siddall, U C G Siddall-Norman, N D Spenceley, P L Spenceley, W Stamp, CC, E L Stephens, J C Stilts, N J Swindle and M E Thompson

442. CHAIRPERSON'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

443. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Jennings, N R Miller, M G Neall, N G F Shaughnessy, S White and L L Wiffen.

444. MINUTES - 14 NOVEMBER 2024

RESOLVED that the Minutes of the meeting of the Council held on 14 November 2024 be approved and confirmed.

445. DECLARATION OF INTEREST

Councillor L J Haywood declared a non-registrable interest in Agenda Item 16 Appointment of Parish Councillor to the Joint Standards Committee as one of the candidates was on the same Parish Council as her.

446. PUBLIC QUESTIONS

There were none.

447. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson advised of the recent death of Ron Harper a D-Day veteran who had played a key part both in D-Day and the commemoration earlier this year.

Members were also informed of the sad passing of former Councillor Shelia Young, aged 99. At this point the Chairperson referred to Councillor M F L Durham who paid tribute to former Councillor Young who had represented the Wickham Bishops and Woodham Ward. He highlighted the great contributions she made both to the Parish and District Council and had been Chairperson of the Maldon District Council from 2008 until 2010. She would be greatly missed.

At the invitation of the Chairperson, all present stood for a few moments of quiet reflection in memory of Ron Harper and former Councillor Young.

The Chairperson thanked everyone that had attended and helped to facilitate the staff event held earlier in this week.

Members were reminded of the recent skatepark consultation and award of new facilities in both Maldon and Burnham-on-Crouch. The Chairperson reported how this work had been managed and led by Melissa Curtis, Capital Projects Manager, and her team and he expressed his thanks to them. He advised that the Council had received over 16,000 social media engagements and the projects had been widely received across the District.

The Chairperson advised that he would be suspending the need to stand in accordance with Rule 8(3) of the Constitution.

At this point it was noted that some Christmas Cards were on display in the Members' Room.

448. STRATEGY AND RESOURCES COMMITTEE - 21 NOVEMBER 2024

The Council considered the recommendations coming forward from the Strategy and Resources Committee held on 21 November 2024.

Fees and Charges Schedule 2025 / 26

Councillor J Driver, Vice-Chairperson of the Strategy and Resources Committee (S&R) presented the recommendation coming forward from the Committee in relation to the Fees and Charges Schedule. This was duly seconded.

Councillor E L Stephens raised a number of queries in respect of the Fees and Charges Schedule and in response to these the Chairperson advised that Officers would provide a response outside of the meeting.

There was some concern raised regarding charges relating to funerals, deaths and memorial plaques specifically when people were struggling financially, and in response Councillor M F L Durham (Chairperson of the S&R) advised that these had been discussed by the Finance Working Group and then approved by the S&R. The concerns raised were supported by other Members of the Council.

Some Members of the Council expressed concern about items with the Fees and Charges Schedule, advising that they would not support the 2025 / 26 Schedule.

The Chairperson put the proposal in the name of Councillor Driver to the Council. Upon a vote being taken this was duly agreed.

RESOLVED that with the exception of the car parking and pontoon charges in Burnham-on-Crouch, the detailed Fees and Charges Schedule for 2025 / 26 as set out in Appendix A to the Council agenda be agreed, following the Council's approval of the Fees and Charges Policy on 24 October 2024.

449. MINUTES OF MEETINGS OF THE COUNCIL

The Council noted the list of Committees that had met before and since the last meeting of the Council, up until Wednesday 4 December 2024 for which Minutes had been published.

450. QUESTIONS IN ACCORDANCE WITH PROCEDURE RULE 6(3) OF WHICH NOTICE HAS BEEN GIVEN

There were none.

451. PLANNING POLICY WORKING GROUP REVIEW OF THE MALDON AND HEYBRIDGE CENTRAL AREA MASTERPLAN

The Council considered the report of the Planning Policy Working Group (PPWG) presenting its recommendations following Councillor J C Stilts' Motion to the Council on 14 December 2023.

Councillor A Fittock, Chairperson of the PPWG, introduced the report, explaining of the PPWG had been tasked with reviewing the Maldon and Heybridge Central Area Master Plan (CAMP) Supplementary Planning Document (SPD) following Councillor Stilts' Motion to the Council (set out in the report). He advised that as part of its review the PPWG had carried out visits of the site and masterplan areas. He then referred to the Principal Place Officer who took Members through the report which provided background information regarding the CAMP SPD and a timeline of the work undertaken by the PPWG.

Appendix 1 to the report set out the 11 projects which had actions and timelines to progress to 2027 and Appendix 2 detailed the four options presented to the PPWG to inform a recommendation back to the Council. Consequentially the PPWG had requested separate, structured site visits to three sub-areas to better understand how the CAMP projects were meeting the Local Development Plan (LDP) Strategic Policy S5 Objectives. Appendix 3 provided information relating to the site visits undertaken. It was noted that the PPWG would continue to review strategic objectives via the LDP reviews. A CAMP Review all Member briefing had taken place on 16 October 2024 where the PPWG conclusions, set out in the report, were presented.

The Chairperson moved the recommendations set out in the report and these were duly agreed.

RESOLVED

- (i) That the Maldon and Heybridge Central Area Masterplan Action Plan work is permitted to continue until after the Local Development Plan (LDP) Review is completed;
- (ii) That the Maldon and Heybridge Central Area Masterplan is reviewed for relevance thereafter as part of LDP Review or subsequent processes.

452. REVIEW OF THE COUNCIL'S NET ZERO CARBON EMISSIONS TRAJECTORY AND AMBITIONS

The Council considered the report of the Deputy Chief Executive updating Members on the work and considerations of the Net-Zero Working Group in relation to the Council's current ambition to be 'a carbon neutral District and a Net Zero Council by 2030'. The report also sought agreement from Members to revise the Council's current ambition to ensure that it could be delivered practicably with regards to existing legal agreements, available budget / resources and available technology. Revisions to the Council's Climate Action Strategy 2021 – 2030 were sought to ensure it accurately reflected the actions being taken by the Council to achieve net zero.

The report reminded Members of the report presented to the Council in July 2024 on the Council's net-zero carbon emissions, including the Council's baseline emissions and an outline of the potential challenges which may prevent the Council from achieving net-zero by 2030. At this meeting a Member and Officer Net-Zero Working Group (the Working Group) has been set up to consider the Council's route to net-zero and make recommendations to the Council on its strategy for achieving net-zero.

The Chairperson of the Working Group, Councillor J C Stilts, referred to the Head of Environmental Health, Waste and Climate Action who presented the report and the recommendations of the Working Group which included the adoption of a revised Climate Emergency Statement, set out in Appendix A to the report. If this Statement was agreed Officers would undertake a full revision of the current Climate Action Strategy to ensure it contained clear and measurable milestones for the reduction of Council emissions along with a review of the existing Climate Pledges.

The Chairperson then put the recommendations as set out in the report and this was duly seconded.

In response to questions raised during the debate, the Head of Climate Environmental Health, Waste and Climate Action advised that:

- the Council was working on developing clear milestones with measurable targets across its three biggest carbon emitters and through the Working Group this would be clearly outlined in the Climate Action Strategy.
- the Essex Waste Strategy, discussed by the Council earlier this year, outlined the intention of Essex County Council (ECC) to incinerate some waste. It was noted that the Council would continue to feed into this Strategy alongside its Essex partners.
- the amendments to the Climate Emergency Statement were to assist in ensuring that the Council had a clear Climate Action Strategy that delivered net-zero and was clear and transparent.

The Leader of the Council highlighted the difficulty faced by the Council regarding waste vehicles and the limited options currently available. Councillor M F L Durham clarified at this point that ECC was responsible for the disposal of waste and that it had signed a contract to stop landfilling from 2025.

Councillor Stilts thanked the Members and Officers on the Working Group for their hard work and assured the Council that it had discussed in detail the timeline for working to net-zero.

The Chairperson moved the recommendations set out in the report which were duly agreed.

RESOLVED

- (i) That Members considered and noted the challenges and barriers identified by the Net-Zero Working Group which were likely to prevent the Council fully decarbonising its assets and activities by 2030;
- (ii) That with consideration of these issues, and with regard to the current national and county policy agenda, that the Council agrees to adopt and publish the revised Climate Emergency Statement attached in **Appendix A** to the report;
- (iii) That that the Climate Action Strategy 2021-2030 be revised to include a series of published milestones that will set out how the Council will reduce emissions as and when it is able to practicably do so but by no later than 2050;
- (iv) That Officers revise the current 'Climate Pledges' within the Climate Action Strategy and Climate Action Plan to ensure that they remain relevant to residents, businesses and community groups;
- (v) That the revised Climate Action Strategy be brought back to the Council for consideration and adoption in Spring 2025.

453. CORPORATE PLAN REVIEW

The Council considered the report of the Chief Executive seeking Members' approval of the revised Corporate Plan 2025 – 2028, attached as Appendix 1 to the report.

The current Corporate Plan (the Plan) was approved by the Council in February 2023 and set out the strategic vision, priorities and objectives for the period 2023 / 2027. Service plans, reported through the performance framework aligned Officer delivered activities and work. The Plan was also used as a policy framework in shaping the Council's annual budget to resource the delivery of key priorities as identified in the Plan. It was noted that as the current plan was coming to the end of its second year a review, involving Officers and Members, had been undertaken. It was noted that the Performance, Governance and Audit Committee would continue to monitor all key performance indicators.

The Leader of the Council introduced the Plan for 2025 - 2028 and commended the work of the Assistant Director - Strategy, Partnerships and Communications and her team in the review of the Plan. He explained that heart of the plan was about delivering a good quality of service within the Council along with a good quality of life.

The Assistant Director then presented the report to the Council, highlighting the main changes proposed, which had been incorporated. These included a reduction in priorities from six to five and the language used simplified to help all stakeholders understand the action the Council would take along with what actions would be achieved both for the local authority and the District. In light of these changes the date of the Plan had been reset to 2025 – 2028 and would be a three-year plan.

The Chief Executive explained that the Plan set out the Council's strategic commitment regarding improving the quality of life for residents, people who work and visit the District. The Plan could be used as a supporting document when the Council bid for funding from the Government and other external funding bodies.

The Chairperson then put the recommendations set out in the report and this was duly seconded.

During the debate that followed and in response to some comments raised regarding the challenges facing and investing in the district the Chairperson advised that these had been noted but did not directly relate to the Corporate Plan review. The Assistant Director advised that the Council had an extensive evidence base, informed by the Office of National Statistics and other bodies.

The Chairperson then moved the recommendations which were duly agreed.

RESOLVED

- (i) That the revised Corporate Plan 2025 - 2028 attached at Appendix 1 to the report be approved;
- (ii) That the Corporate Plan 2025 - 2028 will be brought back to the Council if there are any significant changes or new requirements to consider.

454. COUNCIL TAX BASE

The Council considered the report of the Interim Chief Finance Officer which sought agreement of the tax base for the financial year 2025 / 26 in order to set the Council's council tax requirement. It was noted that the Council had to notify its tax base calculations to Essex County Council, Essex Fire Authority, the Police & Crime Commissioner for Essex and Parish / Town Councils in order that they can also set their council tax for 2025 / 26.

It was noted that annual setting of the Council's tax base was a pre-requisite for all local authorities under the Local Government Finance Act 1992. Appendices to the report set out the calculation of the tax base (Appendix A) and the tax base for each Parish / Town Council (Appendix B).

The report provided an update on the current collection rate and reduction in the number of local council tax support cases. It was noted that the Council Tax Base figure for 2025 / 26 represented an increase of 1.72% and this related to the rise in the number of chargeable properties, a decrease in the Local Council Tax Support Scheme, less a slight decrease in the expected collection rate.

The Interim Chief Financial Officer took Members through the report and provided some additional background information to the information detailed.

The Chairperson moved the recommendation as set out in the report. This was duly seconded and agreed.

RESOLVED that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 2012 the amount calculated by Maldon District Council as its council tax base for the 2025 / 26 year shall be set at **26,854.4**.

455. CONSULTATION RESPONSE - REMOTE ATTENDANCE AND PROXY VOTING

The Council considered the report of the Chief Executive seeking Members' agreement of a formal response on behalf of the Council to the Government consultation on remote attendance and proxy voting.

Members were advised of the Government consultation seeking views on the detail and practical implications of allowing remote and hybrid attendance at Local Authority meetings. Views were also sought on the possible introduction of proxy voting for these

occasions when an elected Member, due to personal circumstances, may be unable to attend, even remotely. The Consultation was due to close on 19 December 2024. A consultation response on behalf of the Council had been drafted and was attached as Appendix A to the report.

The Leader of the Council presented the report and advised that all Group Leaders had been engaged and broadly felt that the Council should support remote attendance for cases of exceptional circumstances and proxy voting not be supported as this would present issues, particularly in the case of Committees like planning. He thanked the Lead Legal Specialist & Monitoring Officer and Assistant Director – Programmes, Performance and Governance for their assistance in producing the response.

In response to a query, the Leader of the Council advised that the comment detailed to question 7 in Appendix A should read "...code of conduct to say private meetings should not be done in a *public* location". This was noted.

During the debate that followed some comments were raised by Members and the Chairperson advised that each Member had the opportunity to also respond to this consultation as an individual.

Councillor J C Stilts proposed that the Council's response be amended to state that even if a Member was attending remotely they could not vote. This amendment was duly seconded and agreed.

The Chairperson moved the recommendation set out in the report with the amendment to question 7 as detailed above and the further agreed amendment from Councillor Stilts. This was duly agreed.

RESOLVED that subject to the above amendment to question 7 and clarification that if a Member was attending remotely they could not vote, the draft consultation response to the Government consultation on remote attendance and proxy voting, attached at Appendix A to the report, be endorsed.

456. WASTE CONTRACT TASK AND FINISH GROUP - MEMBER ATTENDANCE

The Council considered the report of the Assistant Director - Place and Community seeking Members' nomination of two or more additional Member representatives on the Waste Contract Task and Finish Group (the Group).

The report provided background information following the reconvening of the Group in November 2024 to consider the 2025 / 26 savings proposals put forward in relation to Green Waste and Refuse Collections. Due to the number of Members that attended the last meeting of the Group and its quorum arrangements, additional Member representatives were being sought to ensure the Group achieved quorum and was both effective and robust when considering the 2025 / 26 waste savings proposals.

The Leader of the Council introduced the report and then following this, the Assistant Director - Place and Community provided the Council with additional information in relation to the request to expand the Member representation on the Group.

The Chairperson moved the recommendations as set out in the report and these were duly seconded.

The following proposals, duly seconded, were then made to expand the Member representation on the Group:

- Councillor A S Fluker proposed Councillor C P Morley.
- Councillor W Stamp proposed Councillor J C Stilts.
- Councillor M F L Durham proposed Councillor J Driver.
- Councillor Driver proposed Councillor P L Spenceley
- The Leader of the Council suggested that the group be politically balanced and proposed Councillor A M Lay and E L Stephens.

The Chairperson then put that Councillors J Driver, A M Lay, C P Morley, P L Spenceley, E L Stephens and J C Stilts be added to the membership of the Waste Contract Task and Finish Group. This was duly agreed.

RESOLVED

- (i) That the Council agrees to expand Member representation on the Waste Contract Task and Finish Group;
- (ii) That Councillors J Driver, A M Lay, C P Morley, P L Spenceley, E L Stephens and J C Stilts be added to the membership of the Waste Contract Task and Finish Group.

457. APPOINTMENT OF PARISH COUNCILLOR TO THE JOINT STANDARDS COMMITTEE

The Council considered the report of the Monitoring Officer seeking appointment of a Parish Councillor to the vacant seat on the Joint Standards Committee (JSC).

Following the resignation of Councillor P Davey from Althorne Parish Council there was a vacancy on the JSC. Following a request from the Monitoring Officer for nominations from all Parish / Town Councillors two Parish Councillors had expressed an interest in the role. They were Councillor Michael J Hall and Councillor Robert Harding. A summary of both Councillors' experience had been circulated to Members in advance of the meeting.

It was noted that the current vacancy needed to be filled to ensure that the JSC had a complete membership in line with the Council's constitution.

The Chairperson moved the recommendation as set out in the report and this was duly seconded. He then put forward the names of both candidates and upon a vote being taken it was agreed that Councillor Michael J Hall was appointed to the JSC.

RESOLVED that Parish Councillor Michael J Hall be appointed to the Joint Standards Committee for the remainder of the Municipal Year.

458. SCHEDULE OF MEETINGS 2025 / 26

The Council considered the report of the Assistant Director – Programmes, Performance and Governance presenting for Members' consideration the draft Schedule of Meetings for 2025 / 26 (attached as Appendix 1 to the report).

The Chairperson put the recommendation as set out in the report and this was duly agreed.

RESOLVED that the Schedule of Meetings for the 2025 / 26 municipal year be approved as set out in Appendix 1 to the report.

459. 2024 / 25 SCHEDULE OF MEETINGS

The Chairperson referred Members to the agenda for this meeting which detailed the request to consider moving the Performance, Governance and Audit Committee meeting scheduled for Thursday 6 March 2025 to Thursday 20 February 2025. It was noted that this request was to allow the Committee to meet deadlines relating to the 2023 / 24 Accounts. This was duly agreed.

RESOLVED that the Performance, Governance and Audit Committee meeting scheduled for Thursday 6 March 2025 be moved to Thursday 20 February 2025.

460. QUESTIONS TO THE LEADER OF THE COUNCIL IN ACCORDANCE WITH PROCEDURE RULE 1 (3)(M)

Councillor W Stamp asked the Leader of the Council if he would agree with her and thank the finance team for producing, finalising and signing off the 2021 / 22 and 2022 / 23 accounts. She commented on the hard work of the team to get this work done. In response, the Leader of the Council agreed and thanked the finance team for getting the Council up to date, he also referred to the new Interim Chief Financial Officer who had recently joined the Council and the work he was doing.

Councillor W Stamp referred to proposed introduction of car parking charges for Burnham-on-Crouch and asked the Leader of the Council if he would agree there was a lack of consultation regarding local businesses and sports clubs within the town when these costs were put forward to the Council. She explained that people visited Burnham-on-Crouch for tourism and free parking and that the town didn't have the same facilities as Maldon. Councillor Stamp asked that it be recorded that bringing parking charges to Burnham-on-Crouch would have a retrograde step to the economy and more consultation was needed. In response the Leader agreed the importance to take into account public opinions and reminded how he had put forward the recommendation at the Strategy and Resources Committee to delay approval of those fees and charges for further consideration. He advised that if the Finance and Car Parking Working Groups decided further consultation was required, he would support this. The Leader noted that no decision on car parking charges at Burnham-on-Crouch had been made at this time.

Councillor A S Fluker referred to a comment made by the Leader of the Council regarding turning land in Burnham-on-Crouch into housing at the last meeting of the Strategy and Resources Committee and asked whether he stood by this. In response the Leader advised that this comment was a response to a separate statement and there was no plan for any such development.

Councillor Siddal-Norman, referring to car parks in Burnham-on-Crouch, asked the Leader of the Council if he realised that one of the car parks was not a shoppers car park but the car park for the doctor's surgery. She commented on the importance to have car parking for people using the surgery. In response, the Leader referred to the doctor's car park being owned by the Council and that this had to be maintained, a cost that the Council had to pay. He advised that the Council would be flexible as it developed policies, and reminded the Council that a decision had not yet been made in respect of charging for car parking in Burnham-on-Crouch.

Councillor J S Stilts asked the Leader of the Council if he agreed that the Council should be thanking the volunteers that tirelessly looked after the Council's cemeteries. The Leader of the Council agreed and commented on the importance of thanking volunteers for helping the Council look after the cemeteries and such spaces.

Councillor M F L Durham referred to the changes to the National Planning Policy Framework (NPPF) and publication of the Devolution White Paper expected and asked the Leader of the Council if any allowance had been made in the Corporate Plan and other documents if it came out in the publication that Essex was to undertake local government reform ahead of other areas. The Leader read out a statement he had given that day and advised how he was extremely disappointed to see that the housing target imposed on the Council as part of the Government's NPPF had dramatically increased. He commented on the impact this would have on the local community and the Local Plan which was being developed. The Council would continue to work closely with Essex County Council and partners to ensure that the infrastructure was delivered now and in the future. He referred to the increases seen across all Councils and the pressure this would put on Local Authorities.

Councillor P L Spenceley referred to questions raised by members of the public at the last Council meeting and advised the Council of an email sent from the Head of Heybridge Primary School to all parents raising concern regarding highway safety outside of the school. She asked the Leader to provide an update on the progress made with regards to safety improvements on Broad Street Green Road so that she could update her residents. In response the Leader advised that he would provide Councillor Stilts with a written response.

There being no other items of business the Chairperson closed the meeting at 9.11 pm.

K M H LAGAN
CHAIRPERSON

Agenda Item 7a - Performance, Governance and Audit Committee - 16 January 2025

The following Appendix relates to the recommendations coming forward from the Performance, Governance and Audit Committee and detailed on page 3 of the agenda.

[Link to Committee report pack](#)

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Document Control Sheet

Document title	Contract Procedure Rules
Summary of purpose	To promote good purchasing practice and public accountability and deter corruption.
Prepared by	Lead Specialist Procurement
Status	Final
Version number	1.0
Approved by	Council
Approval date	
Date of implementation	March 2025
Review frequency	Every four years
Next review date	February 2029
Circulation	
Published on the Council's website	Yes

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document



MALDON DISTRICT COUNCIL

Contract Procedure Rules

Approved by Council February 2025

CONTENTS

INTRODUCTION	4
1. BASIC PRINCIPLES	5
2. OFFICER RESPONSIBILITIES	5
3. EXEMPTIONS, COLLABORATIVE ARRANGEMENTS.....	6
4. RELEVANT CONTRACTS	7
5. STEPS PRIOR TO PURCHASE	7
6. FRAMEWORK AGREEMENTS,Dynamic Markets, Dynamic purchasing system.....	8
7. REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS	9
8. Pre-MARKET ENGAGEMENT.....	10
9. STANDARDS AND AWARD CRITERIA	10
10. INVITATIONS TO TENDER / QUOTATIONS	11
11. TENDER EVALUATION	14
12. BONDS AND PARENT COMPANY GUARANTEES.....	14
13. CONTRACT DOCUMENTS.....	14
14. CONTRACT MANAGEMENT	16
15. MODIFYING A CONTRACT	16
16. CONFLICTS OF INTEREST.....	17
17. DECLARATION OF INTERESTS	18
18. PREVENTION OF CORRUPTION.....	18
DEFINITIONS APPENDIX.....	19

INTRODUCTION

These Contract Procedure Rules apply to all officers, members and agents acting on behalf of the Council involved in Procurement and Contract Management and are issued in accordance with section 135 of the Local Government Act(1972) and section 1-29 of Local Government Act (1999). These rules are intended to promote good purchasing practice and public accountability and deter corruption. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

Officers responsible for procurement and contract management activities and decision making must be fully aware of and comply with these rules. Officers have a duty to report breaches of these Contract Procedure Rules to an appropriate Assistant Director, the Monitoring Officer, and Lead Specialist Procurement.

Should a conflict be found between these rules, the law and procurement guidance, the order of precedence shall be the law, these rules, and any guidance. The Chief Finance Officer in consultation with the Lead Specialist Procurement may make minor changes to these Contract Procedure Rules.

Minor changes are defined as:

- Changes in statutory framework, such as references to new or updated legislation
- Changes in titles, names, or terminology
- Changes consequential to other constitutional changes already made.

Legislation

The Councils procurements are regulated by the Procurement Act 2023 and the Procurement Regulations 2024. There is other legislation that needs to be considered such as the Social Value Act 2012 and the Transparency Code 2015, which will impact on procurement and it is important that officers are aware of the wider legislative framework.

Where a procurement was started under the Public Contracts Regulations (2015) then that procurement or contract will continue to be under these regulations until the end of the contract or framework.

Objectives

The Procurement Act 2023 sets out a series of objectives which procurements must have regard to they are;

- Delivering value for money
- Maximising public benefit
- Sharing information for the purposes of allowing suppliers and others to understand the Councils policies and decisions
- Acting and being seen to act with integrity.

Procurements must also have regard to the National Procurement Policy statement which sets out national priorities for procurement;

- Value for money
- Social Value
- SMEs

It is important that procurements support the delivery of the Councils wider ambitions

1. BASIC PRINCIPLES

All procurement and disposal procedures must:

- Ensure value for money and propriety in spending of public money; be consistent with the highest standards of integrity
- consider all necessary procurement, legal, financial, and professional advice
- Comply with all legal requirements and these rules
- Ensure that the Council is not exposed to unnecessary risk and likelihood of challenge arising from non-compliant procurement activity
- Consider and incorporate necessary health and safety, inclusion and diversity, and safeguarding children and vulnerable adults' requirements.
- Support the council's corporate and departmental objectives, plan and policies
- Consider the Council's duty to have regard to the fact that SMEs may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced, before commencing the procurement

2. OFFICER RESPONSIBILITIES

2.1 Responsible Officers

2.1.1 Officers responsible for purchasing or disposal must comply with these contract procedure rules, Financial Regulations, the Code of Conduct and with all UK binding legal requirements. Officers must ensure that any Agents, Consultants, and contractual partners acting on their behalf also comply.

2.1.2 All officers should undertake procurement in a manner which avoids any potential conflicts of interest.(section 16)

2.1.3 Officers must:

- obtain all appropriate authorisations and check that appropriate budget provisions exist before the procurement commences
- have regard to the Procurement guidance
- have a business case completed and approved prior to commencing on contracts with a value of £50,000 or above
- consider whether the procurement constitutes a key decision. If so, approval must be sought from the Corporate Leadership Team (CLT), Project board and from the relevant committee.
- Check whether a suitable Corporate Contract exists before seeking to let another contract; where a suitable Corporate Contract exists, this must be used unless there is an auditable and valid reason not to do so.
- Follow the Council's duty to have regard to the fact that Small and Medium-Sized Enterprises (SMEs) may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced, before commencing the procurement.
- Take all necessary Procurement, legal, financial, and professional advice.
- Officers must ensure that the contracts for which they are responsible are effectively managed and monitored to ensure they deliver the requirement as intended and to address any performance issues as soon as possible.

- must keep a record of decisions made in connection with the procurement, this should include minutes from any meetings held.

2.1.4 When any employee either of the authority or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

2.2 Assistant Directors

2.2.1 Assistant Directors must:

- Ensure that their staff comply with these rules at all times
- Appoint a Contract Manager for the life time of all contracts
- Ensure that all Exemption requests have followed the correct procedure.

3. EXEMPTIONS, COLLABORATIVE ARRANGEMENTS

3.1 The Council has the power to waive requirements within these contract procedure rules for specific projects

3.2 Where a proposed contract is likely to exceed the UK Threshold, There are no delegated powers, and the matter has to be determined by the council.

3.3 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to life and/or safety of people or property arising from unforeseen events or incidents or serious disruption to council services, the Officer and the Chief Finance Officer may jointly approve the exemption but they must prepare a report for the next Strategy and Resources Committee to support the action taken.

3.4 All exemptions, and the reasons for them, must be recorded using the form in the Procurement guidance. Exemptions shall be signed by the Officer and countersigned by the S151 Officer, Deputy Chief Executive and where appropriate the Chief Executive in consultation with the Chairperson of the Strategy and Resources Committee.

3.5 Grant Allocations; where the Council has been allocated a grant and there has been no time to procure during the grant application process or because the grant conditions required spend in too short a time period. Evidence of the application process will be required with the exemption. If the grant spend is not required within a twelve (12) month period then an exemption may not be used.

3.6 Financial Officers must monitor the use of all exemptions.

3.7 All purchases made via a local authority are deemed to comply with these contract procedure rules, and no exemption is required. However, purchases above the UK Threshold must be let under the UK Procedure, The Council must be satisfied of this requirement by letting their contract in accordance with the UK Procedures on behalf of the authority and other members.

3.8 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the contract procedure rules of the leading organisation, will be deemed to comply with these contract procedure rules, and no exemption is required. However, advice must be sought from the Lead Specialist Procurement.

4. RELEVANT CONTRACTS

4.1 All Relevant Contracts must comply with these contract procedure rules. A Relevant Contract is any arrangement made by, or on behalf of, the authority for the carrying out of works or for the supply of goods, materials, or services. These include arrangements for:

- The supply or disposal of goods;
- The hire, rental or lease of goods or equipment;
- The delivery of services, including (but not limited to) those related to:
 - Financial and Consultancy Services
 - Legal Services

4.2 **Relevant Contracts do not include:**

- Contracts of employment which make an individual a direct employee of the authority, or
- Agreements regarding the acquisition, disposal, or transfer of land (for which *Financial Regulations* shall apply).
- Contracts for retention of legal Counsel, or the appointment of expert witnesses in legal proceedings.
- Membership/Subscriptions (not applicable to software licensing) where the Council makes an arrangement to receive goods or services regularly by paying in advance and competition is absent for technical reasons.
- Any contract between the Council and another Contracting Authority where the contract has the aim of achieving public function related objectives and is solely in the public interest.

4.3 **Contract Value Calculation**

- Contract value means the estimated aggregate or recurring value payable inclusive of Value Added Tax over the entire contract period including any extensions of the contract.
- Contracts must not be artificially underestimated or disaggregated into two or more separate contracts where the effect is to avoid the application of the rules.
- Where a framework agreement is planned the contract value must be calculated to include the total value of all of the individual contract arrangements envisaged under the Framework Agreement.
- Where the estimated value cannot be determined, the procurement must be managed as though it was over the relevant UK Procurement Threshold

5. STEPS PRIOR TO PURCHASE

5.1 The Officer must appraise the purchase, in a manner commensurate with its complexity and value and taking into account any guidance in the Procurement guidance, by:

- Taking into account the requirements from any relevant Best Value review appraising the need for the expenditure and its priority defining the objectives of the purchase.
- Assessing the risks associated with the purchase and how to manage them considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering,

strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium.

- Consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring.
- Allowing time to obtain approvals and the time necessary to complete a tender process.
- Consider the whole life cycle of the contract including any maintenance or service requirements once the contract is in place.
- There is Council or delegated approval for the expenditure and the purchase accords with the approved policy framework and scheme of delegation as set out in the Constitution.

6. FRAMEWORK AGREEMENTS, DYNAMIC MARKETS, DYNAMIC PURCHASING SYSTEM

6.1 A framework, Dynamic Market or Dynamic Purchasing System is considered compliant when;

- It has been entered into by the Council in compliance with these rules, or;
- Another contracting authority, purchasing consortium or central government.

Officers should ensure the rules as set by the framework are followed.

Further guidance and details on Frameworks, Dynamic Markets and Dynamic Purchasing systems can be found in the Procurement guidance

6.2 Contracts based on Framework Agreements may be awarded by either:

- applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:
 - inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders;
 - fixing a time limit which is sufficiently long to allow Tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
 - Awarding each contract to the tenderer who has submitted the Most Advantageous Tender on the basis of the Award Criteria set out in the specifications of the Framework Agreement

6.3 Approved Lists

6.3.1 The Council does not as a rule agree the use of Approved Lists. Where the use of an approved list may be required, you should seek guidance from the Lead Specialist Procurement. a full business case and Assistant Director level approval must be obtained, prior to appointing an approved list.

7. REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS

The Officer must calculate the Total Value over the term of the contract including any extensions.

7.1 The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice from Procurement.

7.2 Assets for Disposal

7.2.1 Assets for disposal must be sent to public auction (including electronic auction sites such as eBay) except where better Value for Money is likely to be obtained by inviting Quotations. (These may be invited by advertising on the council's internet site.) In the latter event, the method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the relevant Assistant Director.

7.2.2 The Chief Finance Officer has the discretion to agree other methods for disposal of Assets up to a value of £5,000 in consultation with the relevant Assistant Director.

7.2.3 In the first instance surplus vehicles, plant and equipment should be offered to Parish Council's within the District at a fair price (sold as seen) agreed by the Chief Finance Officer in consultation with the relevant Assistant Director.

7.3 Providing Services to External Purchasers

7.3.1 The Chief Finance Officer and Financial Regulations and procedures must be consulted where contracts to work for organisations other than the authority are contemplated.

7.4 The Appointment of Consultants to Provide Services

7.4.1 Consultant architects, engineers, surveyors, and other professional Consultants shall be selected, and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below.

7.4.2 The Officer must produce suitable Terms of Reference (ToRs) setting out the scope of the assignment/study. This should be used to invite proposals from the Consultant[s]

7.4.3 The *Officer* must be satisfied that the fees and charges are reasonable and that appropriate procedures have been followed having regard to the type of work, prevailing market conditions and the particular knowledge or expertise of the consultant.

7.4.4 All consultants used must have:

- performed satisfactory work of a similar nature within the previous two years, or provided satisfactory evidence of relevant work carried out for other similar organisations within the last three years;
- relevant specialist knowledge and experience which is likely to be of value to Maldon;
- Hold professional indemnity of a sufficient level to protect the Councils interest

8. PRE-MARKET ENGAGEMENT

8.1 Officers must engage with procurement prior to commencing Market engagement.

Market engagement is permitted for the purposes of:

- Developing the Council's requirements and approach to the procurement
- Designing a procedure, conditions of participation or award criteria
- Preparing the tender notice and associated tender documents
- Identifying suppliers that may be able to supply the requirement (understanding the market).
- Identifying contractual terms
- Building capacity amongst suppliers in relation to the contract.

8.2 Market engagement must not have the effect that suppliers participating are put at an unfair advantage or that competition is otherwise distorted. If an officer deems that a supplier has been put at an unfair advantage, they must contact Procurement and Legal Services before progressing further with the procurement.

8.3 If the procurement is valued over the relevant UK procurement threshold, a preliminary market engagement notice must be published on the government's Central Digital Platform/Find a Tender.

9. STANDARDS AND AWARD CRITERIA

9.1 The Officer must ascertain what are the relevant British, European, or international standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary to describe the required quality. .

9.2 The Officer must define award criteria that are appropriate to the requirement and designed to secure an outcome giving Value for Money for the authority. Where The award criteria;

- Is the 'Most Advantageous Tender' where considerations other than price also apply.
- Savings over the life of the contract
- Sustainable Procurement
- Social Value
- The subject matter of the contract

9.3 Award Criteria must not include:

- Non-commercial Considerations
- Matters which discriminate against suppliers or signatories to the Government Procurement Agreement.

10. INVITATIONS TO TENDER / QUOTATIONS

10.1 Procurements £5,000 up to £50,000

10.1.1 The Officer responsible must ensure they have the budget and appropriate approvals in place to commence the quote process. Where the value of the contract exceeds £50,000 then a tender process must be followed using the Councils nominated e-tendering portal via Procurement. Guidance should be sought from the Lead Specialist Procurement as to the correct process to follow at the earliest stage.

10.1.2 Where possible the Council shall ensure that for purchases of a value of up to £50,000 that at least two SME / Local supplier is invited to quote for suitable and relevant contracts. While there are no legislative timescales for return of quotes the deadline given to suppliers should be proportionate to the level of work expected for their submission. All documents and communications should be kept and where the lowest price is not accepted this must be recorded.

10.1.3 Once approval to proceed has been obtained by the necessary delegated authority the process should include the following:

- Details of the goods, services or works to be supplied;
- Where and when delivery is to take place;
- The total value of the contract; and
- The terms and conditions to apply including the price and payment terms.
- The terms of the purchase order should suffice for a contract.
- Use of the correct templates found on freshservice or obtained from Procurement

10.1.4 Where a quote is of a value of £30,000 and above then a below threshold tender notice must be published on the Central Digital Platform via the Council's e-tendering solution. All documentation/evidence and approval to award must be retained by the officer and forwarded to Procurement.

10.2 Procurements valued between £50,000 up to UK Threshold

10.2.1 Prior to commencing a tender process the Responsible Officer should engage with procurement at the earliest opportunity and ensure;

- (a) Approval to proceed to a procurement and award of contract in compliance with the Councils internal governance policies has been obtained. A business case / procurement plan will be required.
- (b) Responsible Officers must create a robust risk assessment as part of the procurement planning process in conjunction with Procurement.
- (c) The risk assessment must be reviewed and updated regularly during the procurement process and through the contract term.
- (d) Ensure there is no existing Council contract, framework, Dynamic Market or Dynamic Purchasing System before procuring the requirement.
- (e) Have a specification that describes the authority's requirements in sufficient detail to enable the submission of competitive offers has been completed. The inclusion of social value criteria should also be considered.

- (f) An open tender process must be followed, for the avoidance of doubt it is not possible to restrict the submission of tenders by reference to an assessment of suppliers' suitability to perform the contract.
- (g) All relevant procurement documentation, including details of the evaluation criteria, will be developed by the Responsible Officer and Procurement.
- (h) The Council must have regard to the fact that small and medium sized enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced
- (i) Tenders must be evaluated according to the advertised evaluation criteria. clarification questions may be asked of bidders providing the response would not have the effect of materially changing the tender received.
- (j) A tender report will be prepared by Procurement for approval to award the contract.
- (k) Following approval to award the contract, a contract details notice must be published on the Central digital platform via the Councils e-tendering solution.
- (l) All bidders will be notified of the outcome via the e-tendering solution.
- (m) The contract must be signed by both parties prior to the contract commencing.
- (n) Where appropriate and relevant to the contract, it must be managed and have a risk register throughout the life cycle of the contract. Contracts excluded from this are, for example:
 - Software licences
 - Service Level Agreements (SLAs) with other Local Authorities, if not applicable.

See Section 14 of these rules for Contract Management.

10.3 Procurements valued over the UK threshold

10.3.1 The Responsible Officer must engage with Procurement at the earliest opportunity. There are strict deadlines and requirements for all over threshold procurements which are legal requirements under the Act.

- (a) Approval to proceed to a procurement and award of contract in compliance with the Councils internal governance policies has been obtained. A business case/procurement plan will be required.
- (b) Responsible Officers must create a robust risk assessment as part of the procurement planning process in conjunction with Procurement.
- (c) The risk assessment must be reviewed and updated regularly during the procurement process and through the contract term.
- (d) Procurement will confirm the most appropriate procurement process to use.
- (e) Where preliminary market engagement is used to inform the procurement process, a preliminary market engagement notice must be published on the Central Digital Platform via the Council's e tender solution.
- (f) All relevant procurement documentation, including details of the evaluation criteria, will be developed by the Responsible Officer in consultation with the Procurement.
- (g) A tender notice must be published on the Central Digital Platform via the Council's e tender solution with associated tender documents.

- (h) Tenders must be evaluated according to the published evaluation criteria. Clarification questions may be asked of bidders as long as the response would not have the effect of materially changing the tender received.
- (i) The bidder with the highest evaluation score will normally be awarded the contract, if this is not the case further advice must be sought from the Procurement and Legal Services.
- (j) An award report will be prepared by Procurement for approval to proceed to awarding the contract.
- (k) All bidders must be notified of the award decision simultaneously via the Council's e tender solution whether or not their tender was successful, Procurement will prepare the relevant assessment summaries. Once assessment summaries have been sent to bidders a Contract Award Notice must be published on the Central Digital Platform via the Council's e tender solution.
- (l) The publication of the Contract Award Notice starts the mandatory eight (8) working days standstill period. If, during the standstill period, a challenge or request for feedback is received from an unsuccessful bidder, the standstill period must be paused until the matter is successfully resolved. No contract award can take place in the intervening period.
- (m) A Contract Details Notice must be published within thirty (30) days of the contract being entered into. Where the value of the contract is more than £5m, a redacted copy of the contract must be published within ninety (90) days of the contract being entered into and the Notice must contain details of the KPIs (at least three (3)) that will be used to monitor the contract.
- (n) The contract must be signed or sealed by both parties before contract delivery starts. The Responsible Officer must ensure that procurement is in receipt of a copy of the fully signed contract.
- (o) Where appropriate and relevant to the contract. it must be managed and have a risk register throughout the life cycle of the Contract. Contracts excluded from this are, for example:
 - Software licences;
 - SLAs with other Local Authorities, if not applicable.

See Section 14 of these rules for Contract Management.

10.4 Light Touch Contracts

10.4.1 Light touch contracts cover certain social, health, education or other public services provided directly to individuals or groups of individuals and therefore have some differences such as threshold limits and a greater flexibility. Contracts of this nature with a value below the threshold are subject to the remainder of the rules. The Council still remains bound by the requirement to ensure procurements do not result in non-compliance with the Act.

10.4.2 Where a Responsible Officer considers their contract may fall under the Light Touch regime they should contact procurement in the first instance.

10.5 Concession Contracts

10.5.1 Concession contract is a contract that is concluded in writing where the consideration for the contract is the concessionaires right to profit from the works / services that are the subject of the contract.

10.5.2 Where a Responsible Officer considers their contract may fall under the Concession regime they should contact procurement in the first instance.

11. TENDER EVALUATION

11.1 Tenders received after the fixed closing date and time or tenders which are not submitted in accordance with these rules and any criteria set out in the procurement documentation will be disqualified unless otherwise agreed by Procurement and where appropriate Legal Services.

11.2 If there is an obvious ambiguity or error in the tender and that ambiguity or error has a simple explanation, bidders may be invited to correct their tender.

11.3 Bidders may seek clarifications throughout the procurement process, such clarification requests must be recorded in writing and where the response may be of value to potential bidders, the anonymised response must be circulated to all those potential bidders. Under no circumstances can clarification processes be used as an opportunity to conduct negotiations.

11.4 Evaluation must be conducted in accordance with the published criteria. Evaluations will be by way of individual evaluation and where appropriate include a final moderation meeting.

11.5 The Procurement Act 2023 places an obligation on the Council to notify a bidder if it considers a price to be abnormally low and give the bidder reasonable opportunity to demonstrate that it will be able to perform the contract for the price offered. If the bidder is unable to demonstrate that, its tender may be disregarded

12. BONDS AND PARENT COMPANY GUARANTEES

12.1 The Officer must consult the Chief Finance Officer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £250,000; or
- award is based on evaluation of the parent company; or
- there is some concern about the stability of the Candidate.

12.2 The Officer must consult the Chief Finance Officer about whether a Bond is needed:

- where the Total Value exceeds £250,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

13. CONTRACT DOCUMENTS

13.1 All Contracts that exceed £50,000 shall be in writing.

13.2 All Relevant Contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had, or done);

- the provisions for payment (i.e. the price to be paid and when);
 - the time, or times, within which the contract is to be performed;
 - the provisions for the council to terminate the contract.
- 13.3 In addition, every Relevant Contract of purchase over £50,000 must also state clearly as a minimum:
- that the contractor may not assign or sub-contract without prior written consent;
 - any insurance requirements;
 - health and safety requirements;
 - ombudsman requirements;
 - data protection Act 2018 (General Data Protection Regulation (GDPR) requirements, if relevant;
 - that charter standards are to be met if relevant;
 - race relations requirements;
 - Disability Discrimination Act requirements;
 - Freedom of Information Act requirements;
 - where Agents are used to let contracts, that Agents must comply with the council's contract procedure rules;
 - a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- 13.4 The formal advice of Procurement and Legal Services must be sought for the following contracts:
- where the Total Value exceeds UK Threshold;
 - those involving leasing arrangements;
 - where it is proposed to use a supplier's own terms;
 - those involving the purchase of application software with a Total Value of more than £50,000;
 - those that are complex in any other way.
- 13.5 All contracts must be concluded in writing or by email before the supply, service or construction work begins.
- 13.6 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.
- 13.7 **Sealing**
- 13.7.1 Where contracts are completed by each side adding their formal seal, such contracts shall be signed in accordance with the Council's constitution.
- 13.7.2 Every council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.
- 13.7.3 A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end;
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services.

14. CONTRACT MANAGEMENT

- 14.1 The Procurement Act 2023 now specifies a number of requirements in terms of Contract Management. All contract performance requirements throughout the life cycle of the contract must be considered at pre-tender stage and included in the tender documents. Contract performance requirements should be proportionate to the individual contract.
- 14.2 Contract Managers must keep a record of key dates with the lifecycle of a contract including but not limited to the dates of reviews, insurance renewals, any contractual ability to extend a contract, the notice periods required and the expiry of the term of contract.
- 14.3 At least six months prior to the expiry of a contract the contract manager should consult with procurement to agree if there is an option to extend and if taking up that option or renewal of a contract.
- 14.4 Contract managers are responsible for contract management on a day to day basis and in addition to contract inception meetings, and agreed implementation plans, as required shall be responsible for the regular review and monitoring of a contract with the supplier, and on an annual basis ensuring that all required insurances are renewed and that Business continuity plans, if used are reviewed.
- 14.5 For all contracts at or above the UK threshold value, information has to be published on the Councils e-tendering solution annually throughout the life cycle of the contract, including performance against any Key Performance indicators (KPIs) (a minimum of 3 KPIs should be set) and on termination of the contract
- 14.6 For all contracts with a value higher than the UK Threshold limits, or which are High Risk, an annual report must also be submitted to the relevant Committee.
- 14.7 Where the Total Value of the contract exceeds £250,000, the Officer must make a written report to the relevant Committee evaluating the extent to which the purchasing need and the contract objectives were met by the contract. This should be done normally when the contract is completed. Where the contract is to be re-let, a provisional report should also be available early enough to inform the approach to re-letting of the subsequent contract.

15. MODIFYING A CONTRACT

- 15.1 Contracts may only be extended or varied if all of the following conditions have been met;
- The extension or variation is in accordance with the terms and conditions of the existing contract;
 - The contract has not been extended before the extension or variation and has an approved budget allocation

- Legal advice must be sought before assignments or novation's are entered into;
- 15.2 For the avoidance of doubt, extensions are not permitted where they are not provided for in the original contract.
- 15.3 If the contract is valued over the relevant UK Procurement Threshold, advice from the Procurement and Legal should be sought before a substantial modification is made. A substantial modification is one which would;
- Increase or decrease the term of the contract by more than 10% of the maximum term provided for,
 - Materially change the scope of the contract, or
 - Materially change the economic value of the contract in favour of the supplier.
- 15.4 Before modifying a contract valued over the relevant UK procurement threshold or when a modification takes the value over the relevant UK procurement threshold, a Contract Change notice must be published except where:
- The modification increases or decreases the estimated value of the contract in the case of goods/services by less than 10% or in the case of works by less than 15%, or
 - The modification increases or decreases the term of the contract by less than 10%.
- 15.5 If the value of the contract is over £5m a redacted copy of the modified contract must be published via an updated Contract Details Notice on the Central Digital Platform via the Council's e-tendering solution.

16. CONFLICTS OF INTEREST

- 16.1 Officers must take all reasonable steps to identify and keep under review any conflicts of interest or potential conflicts of interest.
- 16.2 Any person who influences a decision must be included in the conflict of interest review.
- 16.3 Officers must take all reasonable steps to ensure that a conflict of interest does not put a supplier at an unfair advantage or disadvantage. If the officer deems that the advantage or disadvantage cannot be avoided, they should contact the Procurement and Legal Services before progressing further with the procurement. This obligation starts when the need for the procurement is first identified and continues until the termination of the contract.
- 16.4 Where the procurement is valued over £100,000, a conflicts assessment must be prepared by the Responsible Officer in conjunction with Procurement before the procurement is published. This should include details of all conflicts or potential conflicts of interest and any steps that the Council has taken or will take to mitigate that conflict of interest. This may include any steps taken to demonstrate that there is no conflict of interest where one might be perceived.
- 16.5 The conflicts assessment must be kept under review and revised as necessary during the procurement and contract term.

- 16.6 Officers and Members involved in a procurement will, at all times, act in a way that is consistent with their Code of Conduct.

17. DECLARATION OF INTERESTS

- 17.1 If it comes to the knowledge of a member or an employee of the authority that a contract in which he or she has a pecuniary interest as described in the Code of Conduct has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Monitoring Officer. The Monitoring Officer shall report such declarations to the appropriate Committee.
- 17.2 The Monitoring Officer shall maintain a record of all declarations of interests notified by members and Officers
- 17.3 The Deputy Chief Executive shall ensure that the attention of all members is drawn to the Council's Code of Conduct when taking office.
- 17.4 Any officer or Member who fails to declare a conflict of interest may be subject to disciplinary proceedings and risks being prosecuted under the Bribery Act 2010.

18. PREVENTION OF CORRUPTION

- 18.1 The Officer must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Rule 18.2 below.
- 18.2 The following clause **must** be put in every written Council contract:
- "The Council may terminate this contract and recover all its loss if the Contractor, its employees, or anyone acting on the Contractor's behalf do any of the following things:*
- (a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or*
 - (b) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972, or*
 - (c) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors, or employees. Any clause limiting the Contractor's liability shall not apply to this clause."*

DEFINITIONS APPENDIX

Agent	A person or organisation acting on behalf of the council or on behalf of another organisation.
Assistant Director	Responsible for operational delivery of services and designated as such in the constitution
Approved Buyer	Officer Designated by an Assistant Director who is authorised to generate electronic orders on behalf of the Council.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected
Award Procedure	The procedure for awarding a contract
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council. This terminology has now in many instances been superseded by Value for Money.
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the council, the council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the council against a level of cost arising from the contractor's failure.
Candidate	Any person who asks or is invited to submit a Quotation or Tender.
Chief Finance Officer	The Officer Designated Chief Finance Officer (Section 151 Officer) by the Council.
Code of Conduct	The respective codes regulating the conduct of Members and Officers.
Committee	A Committee which has power to make decisions for the Council, for example a joint Committee with another local authority, but not the scrutiny Committee.
Constitution	The constitutional document approved by the council which: <ul style="list-style-type: none"> • allocates powers and responsibility within the council and between it and others; • delegates authority to act to the Committees, and Officers; • regulates the behaviour of individuals and groups through rules of procedure, codes, and protocols.
Consultant	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the council has no ready access to employees with the skills, experience, or capacity to undertake the work.
Corporate Contract	A contract let by the Council to support the council's aim of achieving Value for Money.
UK Procedure	The procedure required by the UK where the Total Value

	exceeds the UK Threshold.
UK Threshold	The contract value at which the UK public procurement directives apply.
European Economic Area	The members of the European Union, and Norway, Iceland, and Liechtenstein.
Financial Officer	The most senior Officer representing the Chief Finance Officer or designated by him/her to provide financial advice to the Deputy Chief Executive and/or the Chief Executive
Financial Regulations and procedures	The financial regulations and procedures outlining Officer responsibilities for financial matters issued by the Chief Finance Officer in accordance with the Constitution.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein, and Singapore.
High Profile	A high-profile purchase is one that could have an impact on functions integral to council service delivery should it fail or go wrong.
High Risk	A high-risk purchase is one which presents the potential for substantial exposure on the council's part should it fail or go wrong.
High Value	A high-value purchase is where the value exceeds the UK Threshold values.
Invitation to Tender	Invitation to tender documents in the form required by these contract procedure rules.
Key Decision	Decisions that are defined as key decisions in the Constitution.
Members	Persons currently elected to serve on the Council
Monitoring Officer	The Officer defined as such in the Constitution
Nominated Suppliers and Sub-contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-commercial Considerations	<ul style="list-style-type: none"> a) The terms and conditions of employment by contractors of their workers or the composition of the arrangements for the promotion, transfer, or training of or the other opportunities afforded to, their workforces ('workforce matters'). b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only. c) Any involvement of the business activities or interests of

	contractors with irrelevant fields of government policy.
	d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').
	e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
	f) Any political, industrial, or sectarian affiliations or interests of contractors or their directors, partners, or employees.
	g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.
	h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959. Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings. (Protection of Employment) Regulations 1981 (TUPE) may apply.
Officer	The Officer designated by the Assistant Director to deal with the contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: <ul style="list-style-type: none"> • if the subsidiary company fails to do what it has promised under a contract with the council, the council can require the parent company to do so instead.
Procurement Strategy	The document setting out the council's approach to procurement and key priorities for the next few years.
Project Management Methodology	The process set up by the Council to ensure that a project is executed in a disciplined and structured manor
Procurement guidance	The suite of guidance documents, together with a number of standard documents and forms, which supports the implementation of these Contract Procedure Rules. The guidance is available on the council's intranet.
Procurement Act 2023	An Act of the parliament of the United Kingdom to simplify procurement processes, become more transparent and deliver better value for money.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these Contract Procedure Rules apply (see Rule 4).
Strategy and Resources	The directorate of the Council that includes responsibility for discharging the Council's procurement responsibilities

Directorate	
Service	The services provided by the Council are currently broken down into two directorate.
Solicitor	Any Solicitor designated by the Council's Chief Executive or the Monitoring Officer.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.
Total Value	<p>The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows:</p> <ul style="list-style-type: none"> (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period. (b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months. (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48. (d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result. (e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.
TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) (SI 2006 No.246)	<p>Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in conducting the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>
Value for Money	Value for money is not the lowest possible price; it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

Agenda Item 7b – Strategy and Resources Committee - 23 January 2025

The following Appendices relate to the recommendations coming forward from the Strategy and Resources Committee and detailed on page 3 of the agenda.

[Link to Committee report pack](#)

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Maldon District Council Equality Analysis

Complete the questions below as fully as possible. The boxes will expand to accommodate your text.

<p>Council Tax Support Scheme for 2025 / 26</p>	<p>December 2024</p>	<p>Officer Preparing Michelle LaMarre</p>
<p>Background</p>		
<p>Description of proposal / policy / service (Including aims, outcomes and in the case of an existing service how long it has been delivered in its current format)</p> <p>Council Tax Support aims to help people with low incomes to meet their Council Tax obligations, covering payment of Council Tax and Discounting of Council Tax</p> <p>The aim of Council Tax Support is</p> <ul style="list-style-type: none"> • To have a fair and equitable scheme • To maintain support for particularly vulnerable people within the constraints imposed by Government policy <p>The service areas or partner agencies involved are</p> <ul style="list-style-type: none"> • Maldon District Council • Any authority that can levy a charge to contribute to Council Tax • Any Essex Authority who is sharing the scheme • All Essex precepting authorities • Department for Work and Pensions • Department for Communities and Local Government <p>There are no proposals to change the current scheme, other than to mirror national changes</p>		
<p>Who are the users of the proposal / policy / service (Refer to data held about the users of the service i.e. numbers of users, demographic breakdown. Having this information is important to understand which sectors of the community might be affected. If that is not available refer to the demographic data held on the intranet.)</p> <p>Broadly this scheme affects those adults liable for Council Tax within the District and those on a low income and low savings</p>		
<p>Have users been consulted with? (Have you carried out consultation with users or stakeholders while drawing up the proposal / policy / service? For example, have you carried out a formal consultation, discussed the issue with a Friends/User Group or consulted with stakeholders? If so, outline the results and how it has informed your plans. It's also important to show whether the target audience was reached during the consultation.)</p> <p>Questions relating to Council Tax Support (CTS) were included alongside the 2024 resident and business survey and responses broadly support the current approach</p> <p>No significant changes are proposed to existing policy</p>		

Maldon District Council Equality Analysis

Complete the questions below as fully as possible. The boxes will expand to accommodate your text.

If the analysis is regarding an existing Service, what are user’s views of that service? (Base your view on evidence such as satisfaction surveys, levels of compliments and levels of complaints).

The Revenues and benefits team is a well performing team that historically has met locally set performance targets. For the current financial year (2024-25) the team is striving to meet those targets but continued high demand as a result of the cost of living crisis, the ongoing impact of organisational change and resource difficulties mean that those targets are likely to remain challenging.

The team continues to ensure that work is prioritised to reduce impact on our most vulnerable customers.

Equality Aims – consider how the proposal / policy / service meets the three Equality Aims listed in the Equality Act.

Aim	How does the proposal / policy / service meet the equality aim?	Action or addition needed in order that the proposal / policy / service meets the aim?
<p>To eliminate unlawful discrimination, harassment and victimisation</p>	<p>Higher rate disability benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group. Without such action to protect this group the policy could potentially be discriminatory.</p> <p>There is also an Exceptional Hardship Scheme which can assist customers with specific circumstances.</p>	<p>None required</p>
<p>To advance equality of opportunity between people who share a protected characteristic and those who do not</p>	<ul style="list-style-type: none"> • Older people are protected in the policy, which follows specific Government Regulations • Parents who receive a child benefit will continue to have this disregarded as part of the CTS calculation, which is consistent with the Council’s duty to safeguard and promote the welfare of children • Higher rate Disability Benefits will continue to be disregarded thereby protecting those with specific long term conditions who fall within this group • Lone Parents receive a disregard of £15 from Child Maintenance payments • A hardship fund exists to ensure provision for those residents who have exceptional circumstances. 	

Maldon District Council Equality Analysis

Complete the questions below as fully as possible. The boxes will expand to accommodate your text.

Equality Impacts – examine how the proposal / policy / service impacts on the community. Base the analysis on evidence. Attach additional documents if necessary.

Page 47

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Older people (60+) are specifically protected under Government Regulations	
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Due to the protection afforded to those of pensionable age, customers of working age are impacted directly by any changes to the scheme.</p> <p>People over 18 of working age will potentially be required to pay more.</p>	<p>Parents will continue to have Child Benefit disregarded in the CTS calculation which is consistent with the Council's duty to safeguard and promote the welfare of children.</p> <p>The Council will continue to provide information and advice on income maximisation and a contracted Independent Advice Service to support residents</p>
<p>Disability (Consider all disabilities such as hearing loss, dyslexia etc as well as access issues for wheelchair users where appropriate)</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	People with disabilities who are below pensionable age may need to pay more	<p>Higher Rate Disability Benefits (i.e. Disability Living Allowance) continue to be disregarded thereby protecting those with specific long term conditions.</p> <p>A hardship fund exists to ensure provision for those residents who have exceptional circumstances.</p>
<p>Pregnancy and Maternity (Think about pregnancy, new and breastfeeding Mums)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
<p>Gender (is the service used more by one gender and are the sexes given equal opportunity?)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and gender is not a factor in the calculation.	

Maldon District Council Equality Analysis

Complete the questions below as fully as possible. The boxes will expand to accommodate your text.

Page 48

Impacts	Positive impact (X)	Could adversely impact (X)	No impact (X)	How different groups could be affected: Summary of impacts	Actions to reduce negative or increase positive impact
Gender Reassignment (Is there an impact on people who are going through or who have completed Gender Reassignment?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and gender is not a factor in the calculation.	
Religion or belief (Includes not having a religion or belief)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and gender is not a factor in the calculation.	
Sexual Orientation (What is the impact on heterosexual, lesbian, gay or bisexual people?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and gender is not a factor in the calculation.	
Race (Includes ethnic or national origins including Gypsies and Travellers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CTS is means tested and gender is not a factor in the calculation.	
Socio-Economic Group (Will people of any particular socio-economic group be particularly affected?)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CTS is designed to help people who have restricted incomes.	A hardship fund exists to ensure provision for those residents who have exceptional circumstances.
<p>Is there a Cumulative Impact? (If the same group is the subject of many changes or reductions the overall impact is much greater. Consider what else is happening within Maldon District Council that may have an impact and also what we know is happening elsewhere (such as Essex County Council). See Guidance for further advice.)</p> <p>The requirement to introduce a local CTS scheme has been introduced via Government policy so our scheme must be reviewed each year.</p> <p>Whilst the authority may choose to allocate funding to ensure full protection for all customers, to date this has not been considered financially sustainable. Results from consultation suggest that the public agree that customers claiming support should be required to pay towards council tax</p>					

Maldon District Council Equality Analysis

Complete the questions below as fully as possible. The boxes will expand to accommodate your text.

To ensure

Consider all the analysis and evidence above and indicate

(1) No change needed (2) Adjust (3) Adverse impact but continue (4) Stop, remove the proposal / policy / service

Adjustments

If option (2) above is selected please detail what adjustments are needed, who is responsible and how that will be reviewed. Also outline how that will be agreed (i.e. Committee, CMT).

Decision Making (How will this equality analysis be taken into account during the decision making process? For example will it be included with a report to Committee/CMT? Will it be considered at department level or by a Head of Service? How will community/stakeholders views be taken into account?)

The Equality analysis will be included in the decision making process which includes consideration at Full Council 13th February 2025

Next Steps

If there was a lack of evidence or data held on which to base this assessment, how will that gap be addressed for the future?

Not applicable

Summary of actions highlighted within this analysis (Include how this will be picked up within service/work plans)

None

Arrangements for future monitoring of equality impact of this proposal / policy / service

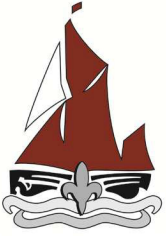
To be reviewed at least annually or where relevant changes occur which may have an impact.

Approved by (Manager or Head of Service signature and date)

Michelle Lamarre (Head of Revenues and Benefits)

Once approved please forward this analysis to Cally Darby to arrange publication.

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MALDON DISTRICT
COUNCIL

Exceptional Hardship Fund for Council Tax Support Framework for Decision Making

1.0 Introduction and Background

1.1 The Exceptional Hardship Fund (EHF) is a local scheme introduced from 1 April 2013 and intended to provide additional financial help to residents on low incomes claiming Council Tax Support. An award made from the EHF will be referred to as an Exceptional Hardship Payment (EHP).

1.2 An EHP is extra money that we can pay in addition to an award of Council Tax Support (CTS) if it is considered that the customer needs extra help. The main principles of the scheme are outlined below:

- EHF is intended to provide some additional help to those customers who are suffering from severe or exceptional circumstances. It is not intended to compensate working age customers who receive less financial support just as a result of the CTS Scheme;
- An award is to address short-term need only and should not be considered as a long-term solution to a customer's circumstances;
- The scheme is discretionary; therefore, the customer has no statutory right to a payment;
- All applications must be treated on their own merit, having regard to the priorities set out in this framework;
- The scheme is administered by Maldon District Council;
- The level of payment will be decided by the Council and administered via the Council Tax Support system;
- Payment from the EHF is not an award of CTS and as such is not subject to the statutory appeals mechanisms. We do have a review process further information can be found in the Reviews section of this policy;
- We have the right to amend, suspend or cancel a EHF when necessary or appropriate;
- Total amount payable in any financial year is cash limited and therefore applications cannot be progressed once the funding is fully allocated within that financial year;
- All applicants will be expected to engage with the Council and undertake the full application process. Failure to do so will inevitably mean that no payment will be made.

2.0 Purpose of the EHF

2.1 The purpose of the fund is to:

- Prevent homelessness;
- Alleviate poverty;
- Safeguard residents in their home;
- Help customers through personal crises, severe or exceptional circumstances and difficult life events such as death, family illness;
- Assisting customers where they or their family members are sick or disabled;
- Other reasons or circumstances not listed above where they are considered to be exceptional or severe.

3.0 How to claim

3.1 The main elements of claiming are as follows:

- We encourage electronic claims to be submitted wherever possible;
- The link to the electronic claim form is on our website as follows: www.maldon.gov.uk/apply. The claim must contain sufficient evidence/information to enable the local authority to get a balanced view of the claimant's situation and circumstances.
- A paper version of the form is available on request. The EHP application form requests the following information:

- Reasons why financial assistance is required;
- A declaration that the information given is correct
- Authorisation for us to verify information given
- A declaration that the customer will repay any overpayment

3.2 If additional evidence is required and requested, this must be provided within one month of the request date.

3.3 As part of the process of applying for additional support from the Exceptional Hardship Fund, all applicants must be willing to undertake **all** of the following:

- Make a separate application for assistance;
- Provide full details of their income and expenditure;
- Accept assistance from either the Council or third parties such as the CAB or similar organisations to enable them to manage their finances more effectively including the termination of non-essential expenditure;
- Identify potential changes in payment methods and arrangements to assist the applicant;
- Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted; and
- Maximise their income through the application for other welfare benefits, cancellation of non-essential contracts and outgoings and identifying the most economical tariffs for the supply of utilities and services generally.

3.4 In addition a pre-requisite to receive a payment from the Fund is that an amount of Council Tax Support **must be in payment** for any day that an EHP payment is requested.

4.0 Who can make a claim for an EHP

4.1 We will accept claims from:

- Customers;
- Anyone acting on the customer's behalf such as an appointee, a relative or social worker and other support/advice agencies such the Council's Housing Options Team, Citizens Advice Bureau, other recognised support agency.

4.2 The claimant must be aware that an application for an EHP is being made on their behalf.

5.0 Who can claim?

5.1 Customers can be considered for an EHP if:

- they are already receiving some Council Tax Support (CTS);
- **and** they get less than the maximum CTS allowed under the scheme;
- **and** need further financial assistance with their Council Tax.

6.0 What an EHP cannot cover

6.1 An award of EHP cannot be paid in the following circumstances:

- Deductions for the recovery of Council Tax arrears or Council Tax Support overpayments;
- Reduction in any benefit as a result of Jobseeker's sanctions, Child Support Agency sanctions or sanctions following benefit related offences;
- Council Tax Support that is suspended;
- Due to hardship caused by previous proven fraudulent activity

7.0 Priority for award of EHP

7.1 The fund is cash limited, meaning that we are not able to make an award to all customers in receipt of support. Consequently, whilst claims from *any* customer will be considered, we have identified vulnerable customers whose claims will be given priority.

- Those at risk of homelessness;
- Where the customer or members of their dependant family are sick or disabled and who are entitled to a disability premium; and
- Where the household includes any children under 5 years old.

8.0 Guidelines for consideration

8.1 The following guidelines should be used to assess each case. The list is not exhaustive but will give a starting point to ensure consistent and transparent decision making.

- Is the customer claiming all of the benefits that they are entitled to?
- Is there danger of eviction and homelessness?
- Are there any social or health problems currently being faced by the customer and/or their family that could cause them extra financial costs?
- Does the customer or his dependant family have any income that is disregarded under the CTS? Is it reasonable to use that disregarded income to meet the shortfall?
- Does the customer or his dependant family have any savings or capital?
- Has the customer provided a budget statement showing his income and outgoings?
- Is there evidence to show that the customers' financial situation has been caused by or worsened by non-priority expenditure?
- Does the customer have any priority debts; these include Rent, Mortgage, fuel bills, arrears of maintenance, unpaid Income tax or VAT, and Television licence.
- What is likely to happen to the family if an EHP is not awarded?
- Are there any other fund/funding schemes available via Benevolent funds or charitable organisations that would be appropriate to use instead of an EHP.
- Is it reasonable to award an EHP having regard to the amount of unallocated budget in the EHF?

8.2 The Council will not make any allowance for the following:

- Any loss resulting from the claimant's failure or delay in claiming any income to which they are entitled;
- Any debt arising from overpayment/arrears of Council Tax;
- Any debt, which, in the opinion of the Council arises from the financial imprudence of the claimant including proven fraud.

9.0 Decision

9.1 We will write to the customer advising them of the decision. The notification will contain the following information:

Award Made

- Period of the EHP award;
- Weekly amount of EHP;
- The customers right to ask for a review/appeal of the award and the time and manner of doing so; and
- The right of the Council to amend suspend or cancel a EHP when deemed necessary or appropriate.

Application Refused

- Reason for refusal; and
- The right of the customer to ask for a review/appeal of the award and the time and manner of doing so.

10.0 Start dates

10.1 The start date of the EHF payment will normally be from the Monday following the date the written request was received. If a claim is received at the same time as a CTS claim the start date of the EHF can be matched to the start of CTS award.

11.0 Length of award

11.1 When considering an EHP claim it should be taken into account that the EHP scheme should in most cases be seen as a short-term emergency fund. Customers must be made aware that they must seek advice with regard to their housing needs and ways to manage financially in the long term. EHPs cannot be paid indefinitely.

12.0 Payments

12.1 An award of EHP will be paid directly into the customer's Council Tax account.

13.0 Change in circumstance

13.1 Customers must report immediately, in writing, any change in circumstance that might affect the amount of EHP they get. Examples of these changes include:

- If they change address;
- If they leave their home temporarily;
- If their income changes;
- If the household make up changes.

14.0 Fraud and overpayments

14.1 The Council is committed to protect public funds and ensure funds are awarded to the people who are rightfully eligible to them.

14.2 An applicant who tries to fraudulently claim an EHP by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

14.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

14.4 We may seek recovery of an overpaid EHP in certain circumstances:

- Misrepresentation or failure to disclose a material fact, fraudulently or otherwise;
- An error made when the claim was determined.

15.0 Reviews

15.1 Customers can request a review of EHP decisions. They must do this in writing within one month of the date they are notified of the decision. The customer (or appointee) must sign the review request letter. Late requests will be only considered where the Council is satisfied that there

were good reasons for the delay.

- 15.2 If a review is requested regarding the decision this will be looked at by a Senior Officer who was not involved in the original decision. The customer will be notified of the outcome of the review within 14 days.
- 15.3 Following the review the customer can submit an appeal if he remains dissatisfied with the outcome of the review. The appeal will be dealt with by the Head of Service, and that decision will be final. The customer will be notified of the outcome of the appeal within 14 days.
- 15.4 Once the review has been completed, the officer will write to the customer informing them of the decision within one week.
- 15.5 The customer has no further right of review against this decision. However, applicants may still seek a Judicial Review of the Authority's decision.



MALDON DISTRICT COUNCIL

**Maldon District Council
Council Tax
S13A (1) (c) Local Government Act 1992 Policy**

Contents

1.0 Introduction..... 3

2.0 Legislation..... 3

3.0 Finance 4

4.0 The Flood Recovery Framework 4

5.0 Applications for S13A (1) (c) in other cases 5

6.0 Delegated Powers..... 6

7.0 Notification 6

8.0 Review of Decisions 6

9.0 Duration of Reduction 7

10.0 Changes in circumstances and misrepresentation 7

1.0 Introduction

- 1.1 The following policy outlines the Council's approach to granting discretionary reductions in liability for Council Tax under S13A (1) (c) of the Local Government Finance Act 1992 (as amended). The Council has the ability to the reduce liability for Council Tax in relation to individual cases or class(es) of cases that it may determine where national discounts and exemptions cannot be applied.
- 1.2 This policy is basically divided into two main areas namely:
- (a) **The Flood Recovery Framework** – this part of the policy covers situations outlined by Central Government where any parts of the Council's area were to be designated as a designated flood area; and
 - (b) **Granting of reductions in Council Tax liability in all other circumstances** - this part of the policy applies to all other circumstances where an application is made to the Council for a reduction in Council Tax liability under S13A (1) (c) of the Local Government Finance Act 1992 other than in respect of (a) above.

2.0 Legislation

- 2.1 The relevant legislation (S13 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012), states the following:

Reductions by billing authority

(1) The amount of council tax which a person is liable to pay in respect of any chargeable dwelling and any day (as determined in accordance with sections 10 to 13);

(a) in the case of a dwelling situated in the area of a billing authority in England, is to be reduced to the extent, if any, required by the authority's council tax reduction scheme;

(b) in the case of a dwelling situated in the area of a billing authority in Wales,
.....

(c) in any case, may be reduced to such extent (or, if the amount has been reduced under paragraph (a) or (b), such further extent) as the billing authority for the area in which the dwelling is situated thinks fit.

- 2.2 The provisions stated in (c) above, allows the Council to reduce the Council Tax liability for any taxpayer in addition to any application for Council Tax Reduction under the Council's scheme. This is a general power that has always been available to the Council.

3.0 Finance

- 3.1 Any amounts granted under S13A (1) (c) are normally financed through the Council's general fund and do not form part of the collection fund. In certain circumstances, Central Government provides funding directly to the Council to compensate for specific events in the case of severe flooding. Where this is available, the Council will look to use **all** funding provided.
- 3.2 Any additional assistance, outside of the funding, would fall to be paid by the Council itself.

4.0 The Flood Recovery Framework

- 4.1 In a severe weather event with significant wide area impacts, local authorities may need central support to help their communities and businesses return to normal. Building on these principles, a core package of business and community recovery support has been developed by Central Government to serve as a framework for flood recovery funding when needed.
- 4.2 It will be for Government Ministers to determine when this support will be made available. Weather incidents with localised impacts will not usually trigger a recovery support package.
- 4.3 In relation to Council Tax, Central Government have developed a Council Tax discount package that is available under S13A (1) (c).

Who is eligible for a council tax discount?

- 4.4 Where the Council Tax Discount Scheme is activated following severe weather, DLUHC will refund eligible local authorities for granting discounts in the following circumstances:
- (a) 100% discount for a minimum of 3 months, or while anyone is unable to return home if longer, for **primary residences** whereas a result of the relevant weather event:
- Flood water entered into the habitable areas; or,
 - Flood water did not enter into the habitable areas, but the local authority regards that the residence was otherwise considered **unliveable** for any period of time. **AND**
- (b) 100% council tax discount on temporary accommodation for anyone unable to return to their home, in parallel with the discount on their primary residence where applicable.
- 4.5 Second homes and empty homes will **not** be eligible.
- 4.6 Instances where households might be considered **unliveable** could include:

- where access to the property is severely restricted (e.g. upper floor flats with no access);
- key services such as sewerage, draining, and electricity are severely affected;
- the adverse weather has resulted in other significant damage to the property such that it would be, or would have been, advisable for residents to vacate the premises for any period of time, regardless of whether they do vacate or not;
- flooded gardens or garages will **not** usually render a household eligible but there may be exceptions where it could be demonstrated that such instances mean effectively that the property is unliveable.

4.7 It will be for the Council to determine eligibility under the scheme.

Properties affected by multiple instances of flooding

4.8 Residences impacted in multiple flood events will not be precluded from repeat support where this is made available by Government in respect of separate weather events.

4.9 Where the scheme is activated for two separate instances of flooding within 3 months of each other, the two discount periods will run concurrently. For example, if the second flood event occurred after 2 months, flooded properties already receiving support could be eligible for another 3 months' discount, making the total period of reimbursement 5 months.

Funding

4.10 In such cases, Central Government will make payment to the Council via a Section 31 grant.

The Council's Policy in respect of the Flood Recovery Framework

4.11 The Council shall operate the scheme strictly in accordance with Central Government guidelines.

5.0 Applications for S13A (1) (c) in other cases

5.1 Where the Council receives an application for a reduction in liability in any other case (other than listed within the Central Government sponsored scheme specified above), it may be made:

- (a) In writing; or
- (b) By means of an electronic communication.

Each application shall be treated on their individual merits.

5.2 In such cases, the Council will require the applicant (where appropriate) to:

- Make a formal application for Council Tax Reduction in an appropriate format. (We encourage digital applications to be submitted, where possible, via www.maldon.gov.uk/apply).
- Provide sufficient evidence/information to enable the local authority to get a balanced view of the claimant's situation and circumstances;
- Consider potential changes in payment methods and payment arrangements;
- Assist the Council to minimise liability by ensuring that all discounts, exemptions and reductions are properly granted;
- Maximise their income through the application for other welfare benefits;
- Have taken all reasonable steps to resolve their situation prior to application;
- Provide evidence of exceptional financial hardship or exceptional personal circumstance that would merit a reduction in the Council Tax liability; and
- Not have access to assets, capital or other financial remedy that could be used to meet the Council Tax liability;

5.3 The circumstances affecting the ability to meet Council Tax liability must not be intentional by the applicant and must be deemed to be out of the applicant's individual control.

6.0 Delegated Powers

6.1 This S13A (1) (c) policy has been approved by the Council. However, the Head of Revenues and Benefits is authorised to make technical scheme amendments to ensure it meets the criteria set by the Council and, for certain defined schemes, Central Government guidance.

7.0 Notification

7.1 The Council will normally issue a written decision letter to the applicant within one month of the request or as soon as practicable thereafter. This will include:

- the level of the award, if relevant;
- full reasons for the decision;
- how it will be paid; and
- information about how to ask for a review of the decision.

7.2 Where the award is part of a Central Government initiative, the award will be shown on the taxpayer's demand notice.

8.0 Review of Decisions

8.1 Notwithstanding any reductions applied automatically to the Council Tax account, where any application is refused, the applicant will be notified that they can ask for the decision to be reviewed. Any request for a review must be made, in writing or by email, within one month of the decision letter.

- 8.2 A member of the Service Leadership Team shall undertake the review and shall respond within two months and will have regard to any further evidence supplied.
- 8.3 If the applicant is dissatisfied with the outcome of the review, they can, within two months of the Council's reply, appeal to the independent Valuation Tribunal Service to consider their case.

9.0 Duration of Reduction

- 9.1 The duration of any award will depend of the circumstances of each case. However, in all cases the following principles will apply:
- (a) Where the reduction is applied under a Central Government Scheme, the reduction shall be applied to the Council Tax account for the period specified in Government guidance;
 - (b) In all other cases,
 - (i) the application for the reduction can only relate to the current Council Tax financial year in which the application is made unless the delay was due to an exceptional circumstance; and
 - (ii) If an application is successful, the award period will be specific to the applicant's circumstances, but it cannot exceed a period greater than the financial year it has been awarded in or exceed the total Council Tax charge for that period.

10.0 Changes in circumstances and misrepresentation

- 10.1 A reduction in liability under S13A (1) (c) can be recovered if it has been made as a result of misrepresentation or failure to disclose a material fact, either fraudulently or otherwise. It can also be recovered as a result of the subsequent application of a national discount or adjustment in banding by the Valuation Office Agency
- 10.2 Changes of circumstances that subsequently negate the need for a reduction in liability under this policy will be recovered by the Council. Where this occurs, the Council shall notify the taxpayer accordingly.
- 10.3 Reductions in liability are not transferable following a change in address.
- 10.4 The Council reserves the right to recover any reductions in liability as a result of a change in legislation or regulation.

10.5 The Council is mindful that it is important to protect public funds and, as such, will take action to prosecute any case where the applicant acts fraudulently in applying for a reduction in Council Tax liability.



MALDON DISTRICT COUNCIL

**Maldon District Council
Council Tax Reduction Scheme**

S13A and Schedule 1a of the Local Government Finance Act 1992

1.0	Introduction to the Council Tax Reduction Scheme	5
2.0	Interpretation – an explanation of the terms used within this scheme	12
3.0	Definition of non-dependant	20
4.0	Requirement to provide a National Insurance Number	21
5.0	Persons who have attained the qualifying age for state pension credit	21
6.0	Remunerative work	21
7.0	Persons treated as not being in Great Britain and Persons Subject to Immigration Control	22
	Persons subject to immigration control	25
8.0	Temporary Absence (period of absence)	25
9.0	Membership of a family	31
10.0	Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.	31
11.0	Circumstances in which a child or young person is to be treated as being or not being a member of the household	32
12.0	Applicable amounts (Living Allowances)	34
13.0	Polygamous marriages	34
14.0	Applicable amount: persons who are not pensioners who have an award of universal credit	35
15.0	Calculation of income and capital of members of applicant’s family and of a polygamous marriage	37
16.0	Circumstances in which capital and income of non-dependant is to be treated as applicant’s	38
17.0	Calculation of income on a weekly basis	38
18.0	Treatment of child care charges	38
19.0	Average weekly earnings of employed earners.....	42
20.0	Average weekly earnings of self-employed earners.....	43
21.0	Average weekly income other than earnings	43
22.0	Calculation of average weekly income from tax credits.....	43
23.0	Calculation of weekly income	44
24.0	Disregard of changes in tax, contributions etc.	44
25.0	Earnings of employed earners.....	44
26.0	Calculation of net earnings of employed earners	45
27.0	Earnings of self-employed earners	46
28.0	Calculation of net profit of self-employed earners	47
29.0	Deduction of tax and contributions of self-employed earners.....	49
30.0	Calculation of income other than earnings	49
31.0	Capital treated as income.....	51
32.0	Notional income	51
33.0	Capital limit.....	55
34.0	Calculation of capital	55
35.0	Disregard of capital of child and young person	55
36.0	Income treated as capital	55
37.0	Calculation of capital in the United Kingdom	55
38.0	Calculation of capital outside the United Kingdom	56
39.0	Notional capital	56
40.0	Diminishing notional capital rule.....	57
41.0	Capital jointly held.....	60
42.0	Not Used.....	60
43.0	Student related definitions.....	62
44.0	Treatment of students.....	65
45.0	Students who are excluded from entitlement to council tax reduction	65
46.0	Calculation of grant income	66
47.0	Calculation of covenant income where a contribution is assessed	67
48.0	Covenant income where no grant income or no contribution is assessed	68
49.0	Student Covenant Income and Grant income – non disregard	68
50.0	Other amounts to be disregarded	68
51.0	Treatment of student loans.....	68
51A.0	Treatment of fee loans	70

52.0	Treatment of payments from access funds	70
53.0	Disregard of contribution	70
54.0	Further disregard of student's income	70
55.0	Income treated as capital	70
56.0	Disregard of changes occurring during summer vacation	71
57.0	Maximum council tax reduction	73
58.0	Non-dependant deductions.....	73
59.0	Council tax reduction taper (applies to persons defined within Class E)	75
60.0	Extended reductions.....	75
60A.0	Duration of extended reduction period	76
60B.0	Amount of extended reduction	76
60C	Extended reductions – movers.....	76
60D.0	Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement.....	77
61.0	Extended reductions (qualifying contributory benefits)	77
61A.0	Duration of extended reduction period (qualifying contributory benefits)	78
61B.0	Amount of extended reduction (qualifying contributory benefits).....	78
61C.0	Extended reductions (qualifying contributory benefits) – movers.....	78
61D.0	Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement	79
62.0 – 63.0	Not Used	79
64.0	Date on which entitlement is to begin	81
65.0	De-minimis Rule for Changes in Circumstances	81
66.0	Periodic Reviews.....	81
67.0	Date on which change of circumstances is to take effect	81
Sections 68– 74A	.....	83
Claiming and the treatment of claims for Council tax reduction purposes		
69.0	Procedure by which a person may apply for a reduction under the authority's scheme	85
70.0	Submission of evidence electronically.....	88
71.0	Use of telephone provided evidence.....	88
72.0	Information and evidence	88
73.0	Amendment and withdrawal of application.....	89
74.0	Duty to notify changes of circumstances	89
75.0	Decisions by the authority.....	93
76.0	Notification of decision	93
77.0	Time and manner of granting council tax reduction	94
78.0	Persons to whom support is to be paid	94
79.0	Shortfall in support / reduction.....	95
80.0	Payment on the death of the person entitled.....	95
81.0	Offsetting.....	95
82.0	Payment where there is joint and several liability	95
83.0 – 90.0	Not used.....	96
91.0	Use of information from and to the Department of Work and Pensions (DWP) and His Majesty's Revenues and Customs (HMRC)	98
92.0	Collection of information	98
93.0	Recording and holding information.....	98
94.0	Forwarding of information	98
95.0	Persons affected by Decisions	100
96.0	Revisions of Decisions.....	100
97.0	Written Statements.....	100
98.0	Terminations	100
99.0	Procedure by which a person may make an appeal against certain decisions of the authority	102
100.0	Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act	104
Electronic Communication.....		
101.0	Interpretation.....	106

102.0	Conditions for the use of electronic communication	106
103.0	Use of intermediaries	106
104.0	Effect of delivering information by means of electronic communication	106
105.0	Proof of identity of sender or recipient of information.....	107
106.0	Proof of delivery of information	107
106A.0	Proof of content of information	107
107.0	Counter Fraud and compliance.....	109
Schedule 1	.....	110
Applicable Amounts.....	.....	110
Personal Allowance.....	.....	111
Family Premiums .....	.....	111
Premiums.....	.....	112
Disability Premium.....	.....	112
Additional Condition for the Disability Premiums .....	.....	112
Severe Disability Premiums .....	.....	112
Enhanced Disability Premium .....	.....	113
Disabled Child Premium.....	.....	113
Carer Premium.....	.....	113
Persons in receipt of concessionary payments.....	.....	113
Persons in receipt of benefit for another .....	.....	113
Amounts of Premium.....	.....	113
The components .....	.....	114
Transitional Addition .....	.....	114
Amount of transitional addition .....	.....	114
Schedule 2 .....	.....	115
Not Used .....	.....	115
Schedule 3 .....	.....	116
Sums to be disregarded in the calculation of earnings.....	.....	116
Schedule 4 .....	.....	122
Sums to be disregarded in the calculation of income other than earnings.....	.....	122
Schedule 5 .....	.....	133
Capital to be disregarded.....	.....	133

1.0 Introduction to the Council Tax Reduction Scheme

1.1 The following has been adopted by the Council and details the Council Tax Reduction scheme for the period from 1st April 2025.

1.2 This document details how the scheme will operate for both pension credit age and working age applicants and in accordance with Section 13A of the Local Government Finance Act 1992 specifies the classes of person who are to be entitled to a reduction under the scheme and is effective from 1st April 2025 for a period of one financial year.

1.3 The scheme in respect of pension age applicants is defined by Central Government within the following:

- Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012;
- Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (England) (Amendment) Regulations 2012;
- Council Tax Reduction Schemes (Transitional Provision) (England) Regulations 2013;
- Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013;
- Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2013;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) (No. 2) Regulations 2014;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2015
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2016;
- The Council Tax Reduction Schemes (England) (Amendment) Regulations 2017:
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2018;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2020;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021:
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2022:
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023;
- The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024; and
- Local Government Finance Act 1992 (as amended by the Local Government Finance Act 2012).

The scheme for pension age applicants – Central Government’s scheme as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012

1.4 There are three main classes under the prescribed pension credit age scheme, for each of which there are a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction, such as a person subject to immigration control with limited leave to remain.

(1) In this scheme—

(a) a person is a “pensioner” if—

(i) he has attained the qualifying age for state pension credit; and

(ii), he is not and, if he has a partner, his partner is not—

(aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or

(bb) a person with an award of universal credit; and

- (b) a person is a “person who is not a pensioner” if—
 - (i) he has not attained the qualifying age for state pension credit; or
 - (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is—
 - (aa) a person on income support, on an income-based jobseeker’s allowance or on an income-related employment and support allowance, or
 - (bb) a person with an award of universal credit.
- (2) For the purposes of sub-paragraphs (a)(ii)(bb) and (b)(ii)(bb) in paragraph (1) an award of universal credit is to be disregarded during:
 - (a) during the relevant period; or
 - (b) where regulation 60A of the Universal Credit (Transitional Provisions) Regulations 2014 applies in respect of the award the relevant period.
- (3) In this scheme—
 - “assessment period” has the same meaning as in the Universal Credit Regulations 2013;
 - “relevant period” means the period beginning with the day on which P and each partner of P has attained the qualifying age for state pension credit and ending with the day on which the last assessment period for universal credit ends

The three prescribed classes are as follows;

Class A: pensioners whose income is less than the applicable amount.

On any day Class A consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of persons prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- d. whose income (if any) for the relevant week does not exceed his applicable amount calculated in accordance with paragraph 9 and Schedule 2 of the Local Government Finance Act 1992;
- e. not have capital savings above £16,000; and
- f. who has made an application for a reduction under the authority’s scheme.

Class B: pensioners whose income is greater than the applicable amount.

On any day class B consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;
- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day; in respect of whom a maximum Council Tax Reduction amount can be calculated;
- c. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority’s scheme;
- d. whose income for the relevant week is greater than his applicable amount calculated in accordance with paragraph 9 and Schedule 2 to the Local Government Finance Act 1992;
- e. in respect of whom amount A exceeds amount B where;
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant’s case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount;
- g. not have capital savings above £16,000; and
- h. who has made an application for a reduction under the authority’s scheme.

Class C: alternative maximum Council Tax Reduction

On any day class C consists of any person who is a pensioner:

- a. who is for that day liable to pay council tax in respect of a dwelling of which he is a resident;

- b. who, subject to paragraph 5 of Schedule 1 of the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012, is not absent from the dwelling throughout the day;
- c. in respect of whom a maximum Council Tax Reduction amount can be calculated;
- d. who does not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the 1992 Act and excluded from the authority's scheme;
- e. who has made an application for a reduction under the authority's scheme; and
- f. in relation to whom the condition below is met.

The condition referred to in sub-paragraph f. is that no other resident of the dwelling is liable to pay rent to the applicant in respect of the dwelling and there is an alternative maximum Council Tax Reduction in respect of the day in the case of that person which is derived from the income, or aggregate income, of one or more residents to whom this sub-paragraph applies.

The above applies to any other resident of the dwelling who:

- a. is not a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount;
- b. is not a person who is liable for council tax solely in consequence of the provisions of section 9 of the 1992 Act (spouse's or civil partner's joint and several liability for tax);
- c. is not a person who is residing with a couple or with the members of a polygamous marriage where the applicant is a member of that couple or of that marriage and—
 - (i) in the case of a couple, neither member of that couple is a person who, in accordance with Schedule 1 to the 1992 Act, falls to be disregarded for the purposes of discount; or
 - (ii) in the case of a polygamous marriage, two or more members of that marriage are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount;
- d. is not a person who, jointly with the applicant, falls within the same paragraph of section 6(2)(a) to (e) of the 1992 Act (persons liable to pay council tax) as applies in the case of the applicant; or
- e. is not a person who is residing with two or more persons both or all of whom fall within the same paragraph of section 6(2)(a) to (e) of the 1992 Act where two or more of those persons are not persons who, in accordance with Schedule 1 to the 1992 Act, fall to be disregarded for the purposes of discount.

Disregard of certain incomes

1.5 For those who have reached the qualifying age for state pension credit, the Council has resolved to enhance the government scheme (as defined by the Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012 to disregard in full the following:

- a. a war disablement pension;
- b. a war widow's pension or war widower's pension;
- c. a pension payable to a person as a widow, widower or surviving civil partner under any power of His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
- d. a guaranteed income payment;
- e. a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
- f. a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
- g. pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.

The provisions outlined above, enhance the Central Government's scheme.

THE SCHEME FOR WORKING AGE APPLICANTS – THE COUNCIL'S LOCAL SCHEME

1.6 The adopted scheme for working age applicants is a means test, which compares income against

an assessment of *applicable amounts* (unless otherwise stated). Full details of the working age scheme of the authority are contained within this document from section 2 onwards. The authority is required to specify a scheme for working age and therefore this scheme only applies to a person who;

- a. has not attained the qualifying age for state pension credit; or
- b. has attained the qualifying age for state pension credit if he, and his partner, is a person on income support, on an income-based jobseeker's allowance, on an income-related employment and support allowance or on universal credit.

1.7 The Council has resolved that there will be *three* classes of persons who will receive a reduction in line with adopted scheme. There will be *three* main classes prescribed for, for each of which there will be a number of qualifying criteria. In all cases individuals must not be of a prescribed class exempted from reduction as specified within section 7 of this scheme.

Class D

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit¹; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which he is solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction² amount can be calculated;
- g. not have capital savings above £6,000³;
- h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*⁴ is **less** than their *applicable amount*⁵ or the applicant or partner is in receipt of income support, jobseekers' allowance (income based) or employment and support allowance (income related); and
- i. has made a valid application for reduction⁶.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme.

Class E

To obtain reduction the individual (or partner) must:

- a. have not attained the qualifying age for state pension credit⁷; or
- b. he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is a person on income support, on income-based jobseeker's allowance or an income-related employment and support allowance; or a person with an award of universal credit.
- c. be liable to pay council tax in respect of a dwelling in which they are solely or mainly resident;
- d. is not deemed to be absent from the dwelling;
- e. not fall within a class of person prescribed for the purposes of paragraph 2(9) of Schedule 1A to the Local Government Finance Act 1992 and excluded from the authority's scheme;
- f. be somebody in respect of whom a maximum Council Tax Reduction⁸ amount can be

¹ Section 5 of this scheme

² Sections 57 to 63 of this scheme

³ Sections 33 to 42 and Schedule 5 of this scheme

⁴ Sections 15 to 32 and Schedules 3 and 4 of this scheme

⁵ Sections 12 to 14 and Schedule 1 of this scheme

⁶ Sections 68 to 74a of this scheme

⁷ Section 5 of this scheme

⁸ Sections 57 to 63 of this scheme

- calculated;
- g. not have capital savings above £6,000⁹;
 - h. be a person in respect of whom a day in which s/he is liable to pay council tax falls within a week in respect of which the person's *income*¹⁰ is **more** than their *applicable amount*¹¹;
 - i. have made a valid application for reduction¹²;
 - j. be a person in respect of whom amount A exceeds amount B where;
 - (i) amount A is the maximum Council Tax Reduction in respect of the day in the applicant's case; and
 - (ii) amount B is 2 6/7 per cent of the difference between his income for the relevant week and his applicable amount.

Maximum Council Tax Reduction stated above is defined within section 57 of this scheme.

⁹ Sections 33 to 42 and Schedule 5 of this scheme

¹⁰ Sections 15 to 32 and Schedules 3 and 4 of this scheme

¹¹ Sections 12 to 14 and Schedule 1 of this scheme

¹² Sections 68 to 74a of this scheme

Council Tax Reduction Scheme

Details of support to be given for **working age applicants** for the financial year 2025/26

Sections 2- 8
Definitions and interpretation

2.0 Interpretation – an explanation of the terms used within this scheme.

2.1 In this scheme–

‘the Act’ means the Social Security Contributions and Benefits Act 1992;

‘the Administration Act’ means the Social Security Administration Act 1992;

‘the 1973 Act’ means the Employment and Training Act 1973;

‘the 1992 Act’ means the Local Government Finance Act 1992;

‘the 2000 Act’ means the Electronic Communications Act 2000;

‘Abbeyfield Home’ means an establishment run by the Abbeyfield Society including all bodies corporate or incorporate which are affiliated to that Society;

‘adoption leave’ means a period of absence from work on ordinary or additional adoption leave by virtue of section 75A or 75B of the Employment Rights Act 1996;

‘an AFIP’ means an armed forces independence payment payable in accordance with an armed and reserve forces compensation scheme established under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004

‘applicable amount’ means the amount determined in accordance with schedule 1 of this scheme;

‘applicant’ means a person who the authority designates as able to claim Council tax reduction – for the purposes of this scheme all references are in the masculine gender but apply equally to male and female;

‘application’ means an application for a reduction under this scheme:

‘appropriate DWP office’ means an office of the Department for Work and Pensions dealing with state pension credit or office which is normally open to the public for the receipt of claims for income support, a jobseeker’s allowance or an employment and support allowance;

‘assessment period’ means such period as is prescribed in sections 19 to 21 over which income falls to be calculated;

‘attendance allowance’ means–

(a) an attendance allowance under Part 3 of the Act;

(b) an increase of disablement pension under section 104 or 105 of the Act;

(c) a payment under regulations made in exercise of the power conferred by paragraph 7(2)(b) of Part 2 of Schedule 8 to the Act;

(d) an increase of an allowance which is payable in respect of constant attendance under paragraph 4 of Part 1 of Schedule 8 to the Act;

(e) a payment by virtue of article 14, 15, 16, 43 or 44 of the Personal Injuries (Civilians) Scheme 1983 or any analogous payment; or

(f) any payment based on need for attendance which is paid as part of a war disablement pension;

‘the authority’ means a billing authority in relation to whose area this scheme has effect by virtue of paragraph 4(6) of Schedule 1A to the 1992 Act;

‘Back to Work scheme(s)’ means any scheme defined within the Jobseekers (Back to Work Schemes) Act 2013 or Jobseeker’s Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;

‘basic rate’, where it relates to the rate of tax, has the same meaning as in the Income Tax Act 2007 (see section 989 of that Act).

‘the benefit Acts’ means the Act (SSBA) and the Jobseekers Act 1995 and the Welfare Reform Act 2007;

‘board and lodging accommodation’ means accommodation provided to a family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises;

‘care home’ has the meaning given by section 3 of the Care Standards Act 2000 and in Scotland means a care home service within the meaning given by section 2(3) of the Regulation of Care (Scotland) Act 2001 and in Northern Ireland means a nursing home within the meaning of Article 11 of the Health and Personal Social Services (Quality,

Improvement and Regulation) (Northern Ireland) Order 2003 or a residential care home within the meaning of Article 10 of that Order;

'the Caxton Foundation' means the charitable trust of that name established on 28th March 2011 out of funds provided by the Secretary of State for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with its provisions;

'child' means a person under the age of 16;

'child benefit' has the meaning given by section 141 of the SSCBA as amended by The Child Benefit (General), Child Tax Credit (Amendment) Regulations 2014 and The Child Benefit (General) (Amendment) Regulations 2015;

'the Children Order' means the Children (Northern Ireland) Order 1995;

'child tax credit' means a child tax credit under section 8 of the Tax Credits Act 2002;

'claim' means a claim for council tax reduction;

'close relative' means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister, or if any of the preceding persons is one member of a couple, the other member of that couple;

'concessionary payment' means a payment made under arrangements made by the Secretary of State with the consent of the Treasury which is charged either to the National Insurance Fund or to a Departmental Expenditure Vote to which payments of benefit or tax credits under the benefit Acts or the Tax Credits Act are charged;

'the Consequential Provisions Regulations' means the Housing Benefit and Council tax reduction (Consequential Provisions) Regulations 2006;

'contributory employment and support allowance' means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions;

'converted employment and support allowance' means an employment and support allowance which is not income-related and to which a person is entitled as a result of a conversion decision within the meaning of the Employment and Support Allowance (Existing Awards) Regulations 2008;

'council tax benefit' means council tax benefit under Part 7 of the SSCBA;

'council tax reduction scheme' has the same meaning as **'council tax reduction or reduction.'**

'council tax support (or reduction)' means council tax reduction as defined by S13a Local Government Finance Act 1992 (as amended);

'couple' means;

- (a) a man and a woman who are married to each other and are members of the same household;
- (b) a man and a woman who are not married to each other but are living together as if they were a married couple or civil partners;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,

Two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes. The above includes the Marriage (Same Sex Couples) Act 2013 and The Marriage (Same Sex Couples) Act 2013 (Commencement No. 3) Order 2014;

'date of claim' means the date on which the application or claim is made, or treated as made, for the purposes of this scheme.

'designated authority' means any of the following;

the local authority; or a person providing services to, or authorised to exercise any function of, any such authority;

'designated office' means the office designated by the authority for the receipt of claims for council tax reduction;

- (a) by notice upon or with a form approved by it for the purpose of claiming council tax reduction; or
- (b) by reference upon or with such a form to some other document available from it and sent

by electronic means or otherwise on application; or

(c) by any combination of the provisions set out in sub-paragraphs (a) and (b) above;

‘disability living allowance’ means a disability living allowance under section 71 of the Act;

‘dwelling’ has the same meaning in section 3 or 72 of the 1992 Act;

‘earnings’ has the meaning prescribed in section 25 or, as the case may be, 27;

‘the Eileen Trust’ means the charitable trust of that name established on 29th March 1993 out of funds provided by the Secretary of State for the benefit of persons eligible for payment in accordance with its provisions;

‘electronic communication’ has the same meaning as in section 15(1) of the Electronic Communications Act 2000 ;

‘employed earner’ is to be construed in accordance with section 2(1)(a) of the Act and also includes a person who is in receipt of a payment which is payable under any enactment having effect in Northern Ireland and which corresponds to statutory sick pay or statutory maternity pay;

‘Employment and Support Allowance Regulations’ means the Employment and Support Allowance Regulations 2008 and the Employment and Support Regulations 2013 as appropriate;

‘Employment and Support Allowance (Existing Awards) Regulations’ means the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010;

‘the Employment, Skills and Enterprise Scheme’ means a scheme under section 17A (schemes for assisting persons to obtain employment; ‘work for your benefit’ schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to assist applicants to obtain employment, including self-employment, and which may include for any individual work-related activity (including work experience or job search). This also includes schemes covered by The Jobseekers Allowance (Employment, Skills, and Enterprise Scheme) Regulations 2011 as amended by the Jobseekers (Back to Work Schemes) Act 2013 – see **‘Back to Work Schemes’**;

‘employment zone’ means an area within Great Britain designated for the purposes of section 60 of the Welfare Reform and Pensions Act 1999 and an **‘employment zone programme’** means a programme established for such an area or areas designed to assist applicants for a jobseeker’s allowance to obtain sustainable employment;

‘employment zone contractor’ means a person who is undertaking the provision of facilities in respect of an employment zone programme on behalf of the Secretary of State for Work and Pensions;

‘enactment’ includes an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;

‘extended reduction’ means a payment of council tax reduction payable pursuant to section 60;

‘extended reduction period’ means the period for which an extended reduction is payable in accordance with section 60A or 61A of this scheme;

‘extended reduction (qualifying contributory benefits)’ means a payment of council tax reduction payable pursuant to section 61;

‘family’ has the meaning assigned to it by section 137(1) of the Act and Section 9 of this scheme;

‘the Fund’ means moneys made available from time to time by the Secretary of State for the benefit of persons eligible for payment in accordance with the provisions of a scheme established by him on 24th April 1992 or, in Scotland, on 10th April 1992;

‘a guaranteed income payment’ means a payment made under article 15(1)(c) (injury benefits) or 29(1)(a) (death benefits) of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011;

‘he, him, his’ also refers to the feminine within this scheme.

‘housing benefit’ means housing benefit under Part 7 of the Act; ‘the Housing Benefit Regulations’ means the Housing Benefit Regulations 2006;

‘Immigration and Asylum Act’ means the Immigration and Asylum Act 1999;

‘an income-based jobseeker’s allowance’ and **‘a joint-claim jobseeker’s allowance’** have the meanings given by section 1(4) of the Jobseekers Act 1995;

‘income-related employment and support allowance’ means an income-related allowance

under Part 1 of the Welfare Reform Act 2007;

'Income Support Regulations' means the Income Support (General) Regulations 1987(a);

'independent hospital'–

(a) in England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in Wales, has the meaning assigned to it by section 2 of the Care Standards Act 2000; and

(c) in Scotland means an independent health care service as defined by section 10F of the National Health Service (Scotland) Act 1978;

'the Independent Living Fund (2006)' means the Trust of that name established by a deed dated 10th April 2006 and made between the Secretary of State for Work and Pensions of the one part and Margaret Rosemary Cooper, Michael Beresford Boyall and Marie Theresa Martin of the other part;

'invalid carriage or other vehicle' means a vehicle propelled by a petrol engine or by electric power supplied for use on the road and to be controlled by the occupant;

'Jobseekers Act' means the Jobseekers Act 1995; **'Jobseeker's Allowance Regulations'** means the Jobseeker's Allowance Regulations 1996 and Jobseeker's Allowance Regulations 2013 as appropriate.

'limited capability for work' has the meaning given in section 1(4) of the Welfare Reform Act;

'limited capability for work-related activity' has the meaning given in section 2(5) of the Welfare Reform Act 2007;

'the London Bombing Relief Charitable Fund' means the company limited by guarantee (number 5505072), and registered charity of that name established on 11th July 2005 for the purpose of (amongst other things) relieving sickness, disability or financial need of victims (including families or dependants of victims) of the terrorist attacks carried out in London on 7th July 2005;

'lone parent' means a person who has no partner and who is responsible for and a member of the same household as a child or young person;

'the Macfarlane (Special Payments) Trust' means the trust of that name, established on 29th January 1990 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia;

'the Macfarlane (Special Payments) (No.2) Trust' means the trust of that name, established on 3rd May 1991 partly out of funds provided by the Secretary of State, for the benefit of certain persons suffering from haemophilia and other beneficiaries;

'the Macfarlane Trust' means the charitable trust, established partly out of funds provided by the Secretary of State to the Haemophilia Society, for the relief of poverty or distress among those suffering from haemophilia;

'main phase employment and support allowance' means an employment and support allowance where the calculation of the amount payable in respect of the applicant includes a component under section 2(1)(b) or 4(2)(b) of the Welfare Reform Act 2007 except in Part 1 of Schedule 1;

'the Mandatory Work Activity Scheme' means a scheme within section 17A (schemes for assisting persons to obtain employment; 'work for your benefit' schemes etc.) of the Jobseekers Act 1995 known by that name and provided pursuant to arrangements made by the Secretary of State that is designed to provide work or work related activity for up to 30 hours per week over a period of four consecutive weeks with a view to assisting applicants to improve their prospect of obtaining employment;

'maternity leave' means a period during which a woman is absent from work because she is pregnant or has given birth to a child, and at the end of which she has a right to return to work either under the terms of her contract of employment or under Part 8 of the Employment Rights Act 1996;

'member of a couple' means a member of a married or unmarried couple;

'MFET Limited' means the company limited by guarantee (number 7121661) of that name, established for the purpose in particular of making payments in accordance with arrangements made with the Secretary of State to persons who have acquired HIV as a result of treatment by the NHS with blood or blood products;

'mobility supplement' means a supplement to which paragraph 9 of Schedule 4 refers;

'mover' means an applicant who changes the dwelling in which the applicant is resident and in

respect of which the applicant liable to pay council tax from a dwelling in the area of the appropriate authority to a dwelling in the area of the second authority;

'net earnings' means such earnings as are calculated in accordance with section 26;

'net profit' means such profit as is calculated in accordance with section 28;

'the New Deal options' means the employment programmes specified in regulation 75(1)(a)(ii) of the Jobseeker's Allowance Regulations 1996 and the training scheme specified in regulation 75(1)(b)(ii) of those Regulations;

'new dwelling' means, for the purposes of the definition of 'second authority' and sections 60C, and 61C the dwelling to which an applicant has moved, or is about to move, in which the applicant is or will be resident;

'non-dependant' has the meaning prescribed in section 3;

'non-dependant deduction' means a deduction that is to be made under section 58;

'occasional assistance' means any payment or provision made by a local authority, the Welsh Ministers, or the Scottish Ministers for the purposes of:

(a) meeting, or helping to meet an immediate short-term need;

(i) arising out of an exceptional event or exceptional circumstances, or

(ii) that needs to be met to avoid a risk to the well-being of an individual, and

(b) enabling qualifying individuals to establish or maintain a settled home, and—

(i) 'local authority' has the meaning given by section 270(1) of the Local Government Act 1972 ;and

(ii) 'qualifying individuals' means individuals who have been, or without the assistance might otherwise be:

(aa) in prison, hospital, an establishment providing residential care or other institution, or

(bb) homeless or otherwise living an unsettled way of life; and 'local authority' means a local authority in England within the meaning of the Local Government Act 1972;

'occupational pension' means any pension or other periodical payment under an occupational pension scheme but does not include any discretionary payment out of a fund established for relieving hardship in particular cases;

'occupational pension scheme' has the same meaning as in section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;

'ordinary clothing or footwear' means clothing or footwear for normal daily use, but does not include school uniforms, or clothing or footwear used solely for sporting activities;

'partner' in relation to a person, means.

(a) where that person is a member of a couple, the other member of that couple;

(b) subject to paragraph (c), where that person is polygamously married to two or more members of his household, any such member to whom he is married; or

(c) where that person is polygamously married and has an award of universal credit with the other party to the earliest marriage that still subsists, that other party to the earliest marriage;

'paternity leave' means a period of absence from work on leave by virtue of section 80A or 80B of the Employment Rights Act 1996;

'payment' includes part of a payment;

'pensionable age' has the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995 as amended by the Public Services Pension Act 2013 and Pensions Act 2014;

'pension fund holder' means with respect to a personal pension scheme or an occupational pension scheme, the trustees, managers or scheme administrators, as the case may be, of the scheme concerned;

'pensioner' a person who has attained the age at which pension credit can be claimed;

'person affected' shall be construed as a person to whom the authority decides is affected by any decision made by the council;

'person on income support' means a person in receipt of income support;

'personal independence payment' has the meaning given by Part 4 of the Welfare Reform Act 2012 and the Social Security (Personal Independence Payments) 2013;

'person treated as not being in Great Britain' has the meaning given by section 7;

'personal pension scheme' means—

- a. a personal pension scheme as defined by section 1 of the Pension Schemes Act 1993 as amended by the Public Service Pension Act 2013;
- b. an annuity contractor trust scheme approved under section 20 or 21 of the Income and Corporation Taxes Act 1988 or a substituted contract within the meaning of section 622(3) or that Act which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(f) of Schedule 36 of the Finance Act 2004;
- c. a personal pension scheme approved under Chapter 4 of Part 14 of the Income and Corporation Taxes Act 1988 which is treated as having become a registered pension scheme by virtue of paragraph 1(1)(g) of Schedule 36 to the Finance Act 2004;

'policy of life insurance' means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life;

'polygamous marriage' means a marriage to which section 133(1) of the Act refers namely;
 (a) a person is a husband or wife by virtue of a marriage entered into under a law which permits polygamy; and
 (b) either party to the marriage has for the time being any spouse additional to the other party.

'public authority' includes any person certain of whose functions are functions of a public nature;

'qualifying age for state pension credit' means (in accordance with section 1(2)(b) and (6) of the State Pension Credit Act 2002)–

- (a) in the case of a woman, pensionable age; or
- (b) in the case of a man, the age which is pensionable age in the case of a woman born on the same day as the man;

'qualifying contributory benefit' means;

- (a) severe disablement allowance;
- (b) incapacity benefit;
- (c) contributory employment and support allowance;

'qualifying course' means a qualifying course as defined for the purposes of Parts 2 and 4 of the Job Seeker's Allowance Regulations 1996

'qualifying income-related benefit' means;

- (a) income support;
- (b) income-based jobseeker's allowance;
- (c) income-related employment and support allowance;

'qualifying person' means a person in respect of whom payment has been made from the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;

'reduction week' means a period of seven consecutive days beginning with a Monday and ending with a Sunday;

'relative' means a close relative, grandparent, grandchild, uncle, aunt, nephew or niece;

'relevant authority' means an authority administering council tax reduction;

'relevant week' In relation to any particular day, means the week within which the day in question falls;

'remunerative work' has the meaning prescribed in section 6;

'rent' means 'eligible rent' to which regulation 12 of the Housing Benefit Regulations refers less any deductions in respect of non-dependants which fall to be made under regulation 74 (non-dependant deductions) of those Regulations;

'resident' has the meaning it has in Part 1 or 2 of the 1992 Act;

'Scottish basic rate' means the rate of income tax of that name calculated in accordance with section 6A of the Income Tax Act 2007;

'Scottish taxpayer' has the same meaning as in Chapter 2 of Part 4A of the Scotland Act 1998

'second authority' means the authority to which a mover is liable to make payments for the new dwelling;

'self-employed earner' is to be construed in accordance with section 2(1)(b) of the Act;

'self-employment route' means assistance in pursuing self-employed earner's employment whilst participating in–

- (a) an employment zone programme;
- (b) a programme provided or other arrangements made pursuant to section 2 of the 1973 Act (functions of the Secretary of State) or section 2 of the Enterprise and New Towns (Scotland) Act 1990 (functions in relation to training for employment, etc.);
- (c) the Employment, Skills, and Enterprise Scheme;
- (d) a scheme prescribed in regulation 3 of the Jobseeker's Allowance (Schemes for Assisting Persons to Obtain Employment) Regulations 2013;
- (e) Back to Work scheme.

'Service User' references in this scheme to an applicant participating as a service user are to

- a. a person who is being consulted by or on behalf of—
 - (i) the Secretary of State in relation to any of the Secretary of State's functions in the field of social security or child support or under section 2 of the Employment and Training Act 1973; or
 - (ii) a body which conducts research or undertakes monitoring for the purpose of planning or improving such functions in their capacity as a person affected or potentially affected by the exercise of those functions or the carer of such a person; or
- b. the carer of a person consulted as described in sub-paragraph (a) where the carer is not being consulted as described in that sub-paragraph;

'single applicant' means an applicant who neither has a partner nor is a lone parent;

'the Skipton Fund' means the ex-gratia payment scheme administered by the Skipton Fund Limited, incorporated on 25th March 2004, for the benefit of certain persons suffering from hepatitis C and other persons eligible for payment in accordance with the scheme's provisions.

'special account' means an account as defined for the purposes of Chapter 4A of Part 8 of the Jobseeker's Allowance Regulations or Chapter 5 of Part 10 of the Employment and Support Allowance Regulations;

'sports award' means an award made by one of the Sports Councils named in section 23(2) of the National Lottery etc Act 1993 out of sums allocated to it for distribution under that section;

'the SSCBA' means the Social Security Contributions and Benefits Act 1992

'State Pension Credit Act' means the State Pension Credit Act 2002;

'student' has the meaning prescribed in section 43;

'subsistence allowance' means an allowance which an employment zone contractor has agreed to pay to a person who is participating in an employment zone programme;

'support or reduction week' means a period of 7 consecutive days commencing upon a Monday and ending on a Sunday;

'the Tax Credits Act' means the Tax Credits Act 2002;

'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next;

'training allowance' means an allowance (whether by way of periodical grants or otherwise) payable—

- (a) out of public funds by a Government department or by or on behalf of the Secretary of State, Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise, the Young People's Learning Agency for England, the Chief Executive of Skills Funding or Welsh Ministers;
- (b) to a person for his maintenance or in respect of a member of his family; and
- (c) for the period, or part of the period, during which he is following a course of training or instruction provided by, or in pursuance of arrangements made with, the department or approved by the department in relation to him or so provided or approved by or on behalf of the Secretary of State, Skills Development Scotland Scottish Enterprise or Highlands and Islands Enterprise or the Welsh Ministers.

It does not include an allowance paid by any Government department to or in respect of a person by reason of the fact that he is following a course of full-time education, other than under arrangements made under section 2 of the 1973 Act or is training as a teacher;

'the Trusts' means the Macfarlane Trust, the Macfarlane (Special Payments) Trust and the Macfarlane (Special Payments) (No. 2) Trust;

'Universal Credit' means any payment of Universal Credit payable under the Welfare Reform

Act 2012, the Universal Credit Regulations 2013, The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013, Universal Credit (Miscellaneous Amendments) Regulations 2013 and the Universal Credit (Transitional Provisions) Regulations 2014;

‘Up-rating Act’ means the Welfare Benefit Up-rating Act 2013, the Welfare Benefits Up-rating Order 2014, and the Welfare Benefits Up-rating Order 2015;

‘voluntary organisation’ means a body, other than a public or local authority, the activities of which are carried on otherwise than for profit;

‘war disablement pension’ means any retired pay or pension or allowance payable in respect of disablement under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003;

‘war pension’ means a war disablement pension, a war widow’s pension or a war widower’s pension;

‘war widow’s pension’ means any pension or allowance payable to a woman as a widow under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘war widower’s pension’ means any pension or allowance payable to a man as a widower or to a surviving civil partner under an instrument specified in section 639(2) of the Income Tax (Earnings and Pensions) Act 2003 in respect of the death or disablement of any person;

‘water charges’ means;

(a) as respects England and Wales, any water and sewerage charges under Chapter 1 of Part 5 of the Water Industry Act 1991,

(b) as respects Scotland, any water and sewerage charges established by Scottish Water under a charges scheme made under section 29A of the Water Industry (Scotland) Act 2002, in so far as such charges are in respect of the dwelling which a person occupies as his home;

‘week’ means a period of seven days beginning with a Monday;

‘Working Tax Credit Regulations’ means the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 as amended¹³; and

‘young person’ has the meaning prescribed in section 9(1) and in section 142 of the SSCBA.

- 2.2 In this scheme, references to an applicant occupying a dwelling or premises as his home shall be construed in accordance with regulation 7 of the Housing Benefit Regulations 2006.
- 2.3 In this scheme, where an amount is to be rounded to the nearest penny, a fraction of a penny shall be disregarded if it is less than half a penny and shall otherwise be treated as a whole penny.
- 2.4 For the purpose of this scheme, a person is on an income-based jobseeker’s allowance on any day in respect of which an income-based jobseeker’s allowance is payable to him and on any day;
- (a) in respect of which he satisfies the conditions for entitlement to an income- based jobseeker’s allowance but where the allowance is not paid in accordance with regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of the Jobseekers Act (circumstances in which a jobseeker’s allowance is not payable); or
- (b) which is a waiting day for the purposes of paragraph 4 of Schedule 1 to that Act and which falls immediately before a day in respect of which an income- based jobseeker’s allowance is payable to him or would be payable to him but for regulation 27A of the Jobseeker’s Allowance Regulations or section 19 or 20A or regulations made under section 17A of that Act;
- (c) in respect of which he is a member of a joint-claim couple for the purposes of the Jobseekers Act and no joint-claim jobseeker’s allowance is payable in respect of that couple as a consequence of either member of that couple being subject to sanctions for the purposes of section 20A of that Act;

¹³ The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2013; The Working Tax Credit (Entitlement and Maximum Rate) (Amendment) Regulations 2015

- (d) in respect of which an income-based jobseeker's allowance or a joint-claim jobseeker's allowance would be payable but for a restriction imposed pursuant to section 6B, 7, 8 or 9 of the Social Security Fraud Act 2001 (loss of benefit provisions).

2.4A For the purposes of this scheme, a person is on an income-related employment and support allowance on any day in respect of which an income-related employment and support allowance is payable to him and on any day;

- (a) in respect of which he satisfies the conditions for entitlement to an income-related employment and support allowance but where the allowance is not paid in accordance with section 18 of the Welfare Reform Act disqualification; or
- (b) which is a waiting day for the purposes of paragraph 2 of Schedule 2 to that Act and which falls immediately before a day in respect of which an income-related employment and support allowance is payable to him or would be payable to him but for section 18 of that Act.

2.5 For the purposes of this scheme, two persons shall be taken to be estranged only if their estrangement constitutes a breakdown of the relationship between them.

2.6 In this scheme, references to any person in receipt of state pension credit includes a person who would be in receipt of state pension credit but for regulation 13 of the State Pension Credit Regulations 2002 (small amounts of state pension credit).

3.0 Definition of non-dependant

3.1 In this scheme, 'non-dependant' means any person, except someone to whom paragraph 3.2 applies, who normally resides with an applicant or with whom an applicant normally resides.

3.2 This paragraph applies to;

- a. any member of the applicant's family;
- b. if the applicant is polygamously married, any partner of his and any child or young person who is a member of his household and for whom he or one of his partners is responsible;
- c. a child or young person who is living with the applicant but who is not a member of his household by virtue of section 11(membership of the same household);
- d. subject to paragraph 3.3, any person who, with the applicant, is jointly and severally liable to pay council tax in respect of a dwelling for any day under sections 6, 7 or 75 of the 1992 Act (persons liable to pay council tax);
- e. subject to paragraph 3.3, any person who is liable to make payments on a commercial basis to the applicant or the applicant's partner in respect of the occupation of the dwelling;
- f. a person who lives with the applicant in order to care for him or a partner of his and who is engaged by a charitable or voluntary organisation which makes a charge to the applicant or his partner for the services provided by that person.

3.3 Excepting persons to whom paragraph 3.2 a) to c) and f) refer, a person to whom any of the following sub-paragraphs applies shall be a non-dependant—

- a. a person who resides with the person to whom he is liable to make payments in respect of the dwelling and either;
 - i. that person is a close relative of his or her partner; or
 - ii. the tenancy or other agreement between them is other than on a commercial basis;
- b. a person whose liability to make payments in respect of the dwelling appears to the authority to have been created to take advantage of the council tax reduction scheme except someone who was, for any period within the eight weeks prior to the creation of the agreement giving rise to the liability to make such payments, otherwise liable to make payments of rent in respect of the same dwelling;
- c. a person who becomes jointly and severally liable with the applicant for council tax in

respect of a dwelling and who was, at any time during the period of eight weeks prior to his becoming so liable, a non-dependant of one or more of the other residents in that dwelling who are so liable for the tax, unless the authority is satisfied that the change giving rise to the new liability was not made to take advantage of the support scheme.

4.0 Requirement to provide a National Insurance Number¹⁴

4.1 No person shall be entitled to support unless the criteria below in 4.2 is satisfied in relation both to the person making the claim and to any other person in respect of whom he is claiming support.

4.2 This subsection is satisfied in relation to a person if–

- a. the claim for support is accompanied by;
 - i. a statement of the person’s national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - ii. information or evidence enabling the national insurance number that has been allocated to the person to be ascertained; or
- b. the person makes an application for a national insurance number to be allocated to him which is accompanied by information or evidence enabling such a number to be so allocated and the application for reduction is accompanied by evidence of the application and information to enable it to be allocated.

4.3 Paragraph 4.2 shall not apply–

- a. in the case of a child or young person in respect of whom council tax reduction is claimed;
- b. to a person who;
 - i. is a person in respect of whom a claim for council tax reduction is made;
 - ii. is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act; and
 - iii. has not previously been allocated a national insurance number.

5.0 Persons who have attained the qualifying age for state pension credit.

5.1 This scheme applies to a person if:

- (i) he has not attained the qualifying age for state pension credit; or
- (ii) he has attained the qualifying age for state pension credit and he, or if he has a partner, his partner, is;
 - (a) a person on income support, on income-based jobseeker’s allowance or an income-related employment and support allowance; or
 - (b) a person with an award of universal credit.

5.2 For the purpose of this scheme an award of universal credit shall be disregarded where regulation 60A of the Universal Credit (Transitional Provisions) Regulations 2014 applies in respect of the award

6.0 Remunerative work

6.1 Subject to the following provisions of this section, a person shall be treated for the purposes of this scheme as engaged in remunerative work if he is engaged, or, where his hours of work fluctuate, he is engaged on average, for not less than 16 hours a week, in work for which payment is made or which is done in expectation of payment.

6.2 Subject to paragraph 6.3, in determining the number of hours for which a person is engaged in work where his hours of work fluctuate, regard shall be had to the average of hours worked over;

¹⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

- a. if there is a recognisable cycle of work, the period of one complete cycle (including, where the cycle involves periods in which the person does no work, those periods but disregarding any other absences);
- b. in any other case, the period of 5 weeks immediately prior to that date of claim, or such other length of time as may, in the particular case, enable the person's weekly average hours of work to be determined more accurately,

6.3 Where, for the purposes of paragraph 6.2 a), a person's recognisable cycle of work at a school, other educational establishment or other place of employment is one year and includes periods of school holidays or similar vacations during which he does not work, those periods and any other periods not forming part of such holidays or vacations during which he is not required to work shall be disregarded in establishing the average hours for which he is engaged in work.

6.4 Where no recognisable cycle has been established in respect of a person's work, regard shall be had to the number of hours or, where those hours will fluctuate, the average of the hours, which he is expected to work in a week.

6.5 A person shall be treated as engaged in remunerative work during any period for which he is absent from work referred to in paragraph 6.1 if the absence is either without good cause or by reason of a recognised customary or other holiday.

6.6 A person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance for more than 3 days in any reduction week shall be treated as not being in remunerative work in that week.

6.7 A person shall not be treated as engaged in remunerative work on any day on which the person is on maternity leave, paternity leave or adoption leave, or is absent from work because he is ill.

6.8 A person shall not be treated as engaged in remunerative work on any day on which he is engaged in an activity in respect of which;

- a. a sports award has been made, or is to be made, to him; and
- b. no other payment is made or is expected to be made to him.

7.0 Persons treated as not being in Great Britain and Persons Subject to Immigration Control

Persons treated as not being in Great Britain

7.1 Persons treated as not being in Great Britain are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority's scheme.

7.2 Except where a person falls within paragraph (5) or (6), a person is to be treated as not being in Great Britain if the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland.

7.3 A person must not be treated as habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland unless the person has a right to reside in one of those places.

7.4 For the purposes of paragraph (3), a right to reside does not include a right, which exists by virtue of, or in accordance with—

- (a) regulation 13 of the EEA Regulations;
- (aa) regulation 14 of the EEA Regulations, but only in a case where the right exists under that regulation because the person is—
 - (i) a jobseeker for the purpose of the definition of "qualified person" in regulation 6(1) of those Regulations, or

- (ii) a family member (within the meaning of regulation 7 of those Regulations) of such a jobseeker;
- (b) regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in paragraph (5) of that regulation of the Treaty on the Functioning of the European Union (in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of their rights as a European Union citizen).

7.4A For the purposes of paragraph (3), a right to reside does not include a right which exists by virtue of a person having been granted limited leave to enter, or remain in, the United Kingdom under the Immigration Act 1971 by virtue of—

- (a) (Removed by the Council Tax Reductions Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2021
- (b) Appendix EU to the immigration rules made under section 3(2) of that Act;
- (c) being a person with a Zambrano right to reside as defined in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of that Act; or
- (d) having arrived in the United Kingdom with an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act.

7.4B Paragraph (4A)(b) does not apply to a person who—

- (a) has a right to reside granted by virtue of being a family member of a relevant person of Northern Ireland; and
- (b) would have a right to reside under the EEA Regulations if the relevant person of Northern Ireland were an EEA national, provided that the right to reside does not fall within paragraph (4)(a) or (b)

7.5 A person falls within this paragraph if the person is—

- (za) a person granted leave in accordance with the immigration rules made under section 3(2) of the Immigration Act 1971, where such leave is granted by virtue of—
 - (i) the Afghan Relocations and Assistance Policy; or
 - (ii) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme);
- (zb) a person in Great Britain not coming within sub-paragraph (za) or (e) who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021;
- (zc) a person in Great Britain who was residing in Ukraine immediately before 1st January 2022, left Ukraine in connection with the Russian invasion which took place on 24th February 2022 and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;
- (zd) a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon immediately before 7th October 2023, left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights, or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack and—
 - (i) (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,
 - (ii) (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act, or
 - (iii) (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act;

- (ze) a person who was residing in Sudan before 15th April 2023, left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan and—
 - (i) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971;
 - (ii) has a right of abode in the United Kingdom within the meaning given in section 2 of that Act; or
 - (iii) does not require leave to enter or remain in the United Kingdom in accordance with section 3ZA of that Act
- (a) a qualified person for the purposes of regulation 6 of the EEA Regulations as a worker or a self-employed person;
- (b) a family member of a person referred to in sub-paragraph (a);
- (c) a person who has a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;
- (ca) a family member of a relevant person of Northern Ireland, with a right to reside which falls within paragraph (4A)(b), provided that the relevant person of Northern Ireland falls within paragraph (5)(a), or would do so but for the fact that they are not an EEA national;
- (cb) a frontier worker within the meaning of regulation 3 of the Citizens’ Rights (Frontier Workers) (EU Exit) Regulations 2020;
- (cc) a family member of a person referred to in sub-paragraph (cb), who has been granted limited leave to enter, or remain in, the United Kingdom by virtue of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971
- (d) a person recorded by the Secretary of State as a refugee within the definition in Article 1 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951, as extended by Article 1(2) of the Protocol relating to the Status of Refugees done at New York on 31st January 1967;
- (e) a person who has been granted, or who is deemed to have been granted, leave outside the rules made under section 3(2) of the Immigration Act 1971
- (f) a person who has humanitarian protection granted under those rules;
- (g) a person who is not a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999 and who is in the United Kingdom as a result of his deportation, expulsion, or other removal by compulsion of law from another country to the United Kingdom;
- (h) in receipt of income support or on an income-related employment and support allowance; or
- (ha) in receipt of an income-based jobseeker’s allowance and has a right to reside other than a right to reside falling within paragraph (4).

7.6 A person falls within this paragraph if the person is a Crown servant or member of His Majesty’s forces posted overseas.

7.7 A person mentioned in sub-paragraph (6) is posted overseas if the person is performing overseas the duties of a Crown servant or member of His Majesty’s forces and was, immediately before the posting or the first of consecutive postings, habitually resident in the United Kingdom.

7.8 In this regulation—
 “claim for asylum” has the same meaning as in section 94(1) of the Immigration and Asylum Act 1999;
 “Crown servant” means a person holding an office or employment under the Crown;
 “EEA Regulations” means the Immigration (European Economic Area) Regulations 2006; and the Immigration (European Economic Area) (Amendment) (No. 2) Regulations 2014 and references to the EEA Regulations are to be read with Schedule 4 to the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) Regulations 2020
 “EEA national” has the meaning given in regulation 2(1) of the EEA Regulations;

“family member” has the meaning given in regulation 7(1)(a), (b) or (c) of the EEA Regulations, except that regulation 7(4) of the EEA Regulations does not apply for the purposes of paragraphs (4B) and (5)(ca);
“relevant person of Northern Ireland” has the meaning given in Annex 1 of Appendix EU to the immigration rules made under section 3(2) of the Immigration Act 1971; and
“His Majesty’s forces” has the same meaning as in the Armed Forces Act 2006.

Persons subject to immigration control

- 7.9 Persons subject to immigration control are a class of person prescribed for the purposes of paragraph 2(9)(b) of Schedule 1A to the 1992 Act and which must not be included in an authority’s scheme.
- 7.10 A person who is a national of a state which has ratified the European Convention on Social and Medical Assistance (done in Paris on 11th December 1953) or a state which has ratified the Council of Europe Social Charter (signed in Turin on 18th October 1961) and who is lawfully present in the United Kingdom is not a person subject to immigration control for the purpose of paragraph 7.9.
- 7.11 “Person subject to immigration control” has the same meaning as in section 115(9) of the Immigration and Asylum Act 1999.

7A.0 Transitional provision

- 7A.1 The above does not apply to a person who, on 31st March 2015—
- (a) is liable to pay council tax at a reduced rate by virtue of a council tax reduction under an authority’s scheme established under section 13A(2) of the Act; and
 - (b) is entitled to an income-based jobseeker’s allowance, until the first of the events in paragraph 7A.2 occurs.
- 7A.2 The events are—
- (a) the person makes a new application for a reduction under an authority’s scheme established under section 13A(2) of the Act; or
 - (b) the person ceases to be entitled to an income-based jobseeker’s allowance.
- 7A.3 In this section “the Act” means the Local Government Finance Act 1992.

8.0 Temporary Absence (period of absence)

- 8.1 A person is not absent from a dwelling in relation to any day which falls within a period of temporary absence from that dwelling.
- 8.2 In sub-paragraph (1), a “period of temporary absence” means:
- (a) a period of absence not exceeding 13 weeks, beginning with the first whole day on which a person resides in residential accommodation where and for so long as:
 - (i) the person resides in that accommodation in Great Britain;
 - (ii) the part of the dwelling in which he usually resided is not let or sub-let; and
 - (iii) that period of absence does not form part of a longer period of absence from the dwelling of more than 52 weeks,where he has entered the accommodation for the purpose of ascertaining whether it suits his needs and with the intention of returning to the dwelling if it proves not to suit his needs;
 - (b) a period of absence within Great Britain not exceeding 13 weeks, beginning with the first whole day of absence from the dwelling, where and for so long as:
 - (i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resided is not let or sub-let;

(iii) that period is unlikely to exceed 13 weeks; and

(c) a period of absence within Great Britain not exceeding 52 weeks, beginning with the first whole day of that absence, where and for so long as:

(i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resided is not let or sub-let;

(iii) the person is a person to whom sub-paragraph (3) applies; and

(iv) the period of absence is unlikely to exceed 52 weeks or, in exceptional circumstances, is unlikely substantially to exceed that period and

(d) subject to sub-paragraphs (2F), (3C), (3E) and (3G) and where sub-paragraph (2E) applies, a period of absence outside Great Britain not exceeding 4 weeks, beginning with the first day of that absence from Great Britain where and for so long as:

(i) the person intends to return to the dwelling;

(ii) the part of the dwelling in which he usually resides is not let or sub-let; and

(iii) the period of absence from Great Britain is unlikely to exceed 4 weeks.

8.2A The period of 13 weeks referred to in sub-paragraph (2)(b) shall run or continue to run during any period of absence from Great Britain.

8.2B Where:

(a) a person returns to Great Britain after a period of absence from Great Britain (period A);

(b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 13 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(b).

8.2C The period of 52 weeks referred to in sub-paragraph (2)(c) shall run or continue to run during any period of absence from Great Britain.

8.2D Where:

(a) a person returns to Great Britain after a period of absence from Great Britain (period A);

(b) that person has been absent from the dwelling, including any absence within Great Britain, for less than 52 weeks beginning with the first day of absence from that dwelling; and

(c) at the outset of, or during, period A, period A ceased to be treated as a period of temporary absence,

then, any day that follows period A and precedes the person's return to the dwelling, shall not be treated as a period of temporary absence under sub-paragraph (2)(c).

8.2E This sub-paragraph applies where:

(a) a person is temporarily absent from Great Britain;

(b) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.2F If the temporary absence referred to in sub-paragraph (2)(d) is in connection with the death of:

(a) the person's partner or a child or young person for whom the person or the person's partner is responsible;

(b) the person's close relative;

(c) the close relative of the person's partner; or

(d) the close relative of a child or young person for whom the person or the person's partner is responsible,

then the period of 4 weeks in the opening words of sub-paragraph (2)(d) may be extended by up to 4 further weeks if the relevant authority considers it unreasonable to expect the person to return to Great Britain within the first 4 weeks (and the reference in sub-paragraph (iii) of that paragraph to a period of 4 weeks shall, where the period is extended, be taken as referring to the period as so extended).

- 8.3 This sub-paragraph applies to a person who—
- (a) is detained in custody on remand pending trial or required, as a condition of bail, to reside—
 - (i) in a dwelling, other than the dwelling referred to in sub-paragraph (1), or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007, or is detained in custody pending sentence upon conviction;
 - (b) is resident in a hospital or similar institution as a patient;
 - (c) is undergoing, or whose partner or dependent child is undergoing, medical treatment, or medically approved convalescence, in accommodation other than residential accommodation;
 - (d) is following, a training course;
 - (e) is undertaking medically approved care of a person;
 - (f) is undertaking the care of a child whose parent or guardian is temporarily absent from the dwelling normally occupied by that parent or guardian for the purpose of receiving medically approved care or medical treatment;
 - (g) is receiving medically approved care provided in accommodation other than residential accommodation;
 - (h) is a student;
 - (i) is receiving care provided in residential accommodation and is not a person to whom sub-paragraph (2)(a) applies; or
 - (j) has left the dwelling he resides in through fear of violence, in that dwelling, or by a person who was formerly a member of the family of the person first mentioned.
- 8.3A This sub-paragraph applies to a person (“P”) who is:
- (a) detained in custody on remand pending trial;
 - (b) detained pending sentence upon conviction; or
 - (c) as a condition of bail required to reside—
 - (i) in a dwelling, other than a dwelling P occupies as P’s home; or
 - (ii) in premises approved under section 13 of the Offender Management Act 2007(7),
- and who is not also detained in custody following sentence upon conviction.
- 8.3B This sub-paragraph applies where:
- (a) a person is temporarily absent from Great Britain;
 - (b) the person is a member of His Majesty’s forces posted overseas, a mariner or a continental shelf worker;
 - (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.
- 8.3C Where sub-paragraph (3B) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:
- (a) the person intends to return to the dwelling;
 - (b) the part of the dwelling in which he usually resided is not let or sub-let;
 - (c) the period of absence from Great Britain is unlikely to exceed 26 weeks.
- 8.3D This sub-paragraph applies where—

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (b), (c), (g) or (j) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.3E Where sub-paragraph (3D) applies, a period of absence from Great Britain not exceeding 26 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 26 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.

8.3F This sub-paragraph applies where:

- (a) a person is temporarily absent from Great Britain;
- (b) the person is a person described in any of paragraphs (a), (d), (e), (f), (h) or (i) of sub-paragraph (3);
- (c) immediately before that period of absence from Great Britain, the person was not absent from the dwelling.

8.3G Where sub-paragraph (3F) applies, a period of absence from Great Britain not exceeding 4 weeks, beginning with the first day of absence from Great Britain, shall be treated as a period of temporary absence where and for so long as:

- (a) the person intends to return to the dwelling;
- (b) the part of the dwelling in which he usually resided is not let or sub-let;
- (c) the period of absence is unlikely to exceed 4 weeks, or in exceptional circumstances, is unlikely substantially to exceed that period.”;

8.4 This sub-paragraph applies to a person who is—

- (a) detained in custody pending sentence upon conviction or under a sentence imposed by a court (other than a person who is detained in hospital under the provisions of the Mental Health Act 1983, or, in Scotland, under the provisions of the Mental Health (Care and Treatment) (Scotland) Act 2003 or the Criminal Procedure (Scotland) Act 1995 or, in Northern Ireland, under Article 4 or 12 of the Mental Health (Northern Ireland) Order 1986); and
- (b) on temporary release from detention in accordance with Rules made under the provisions of the Prison Act 1952 or the Prisons (Scotland) Act 1989.

8.5 Where sub-paragraph (4) applies to a person, then, for any day when he is on temporary release—

- (a) if such temporary release was immediately preceded by a period of temporary absence under sub-paragraph (2)(b) or (c), he must be treated, for the purposes of sub-paragraph (1), as if he continues to be absent from the dwelling, despite any return to the dwelling;
- (b) for the purposes of sub-paragraph (3A), he must be treated as if he remains in detention;
- (c) if he does not fall within paragraph (a), he is not to be considered to be a person who is liable to pay council tax in respect of a dwelling of which he is a resident.

8.6 In this paragraph—
“continental shelf worker” means a person who is employed, whether under a contract of service or not, in a designated area or a prescribed area in connection with any of the activities mentioned in section 11(2) of the Petroleum Act 1998;

“designated area” means any area which may from time to time be designated by Order in Council under the Continental Shelf Act 1964 as an area within which the rights of the United Kingdom with respect to the seabed and subsoil and their natural resources may be exercised;
“mariner” means a person who is employed under a contract of service either as a master or member of the crew of any ship or vessel, or in any other capacity on board any ship or vessel, where—

(a) the employment in that capacity is for the purposes of that ship or vessel or its crew or any passengers or cargo or mails carried by the ship or vessel; and

(b) the contract is entered into in the United Kingdom with a view to its performance (in whole or in part) while the ship or vessel is on its voyage;”;

“medically approved” means certified by a medical practitioner;

“member of His Majesty’s forces posted overseas” means a person who is a member of the regular forces or the reserve forces (within the meaning of section 374 of the Armed Forces Act 2006(10)), who is absent from the main dwelling because the person has been posted outside of Great Britain to perform the duties of a member of His Majesty’s regular forces or reserve forces;

“patient” means a person who is undergoing medical or other treatment as an in-patient in any hospital or similar institution;

“prescribed area” means any area over which Norway or any member State (other than the United Kingdom) exercises sovereign rights for the purpose of exploring the seabed and subsoil and exploiting their natural resources, being an area outside the territorial seas of Norway or such member State, or any other area which is from time to time specified under section 10(8) of the Petroleum Act 1998;”

“residential accommodation” means accommodation which is provided in:

(a) a care home;

(b) an independent hospital;

(c) an Abbeyfield Home; or

(d) an establishment managed or provided by a body incorporated by Royal Charter or constituted by Act of Parliament other than a local social services authority;

“training course” means a course of training or instruction provided wholly or partly by or on behalf of or in pursuance of arrangements made with, or approved by or on behalf of, Skills Development Scotland, Scottish Enterprise, Highlands and Islands Enterprise, a government department, or the Secretary of State.

Sections 9 - 11

The family for Council tax reduction purposes

9.0 Membership of a family

- 9.1 Within the support scheme adopted by the Council 'family' means;
- a. a married or unmarried couple;
 - b. married or unmarried couple and a member of the same household for whom one of them is or both are responsible and who is a child or a young person;
 - c. two people of the same sex who are civil partners of each other and are members of the same household (with or without children);
 - d. two people of the same sex who are not civil partners of each other but are living together as if they were civil partners (with or without children),
 - e. and for the purposes of sub-paragraph (d) two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;
 - f. except in prescribed circumstances, a person who is not a member of a married or unmarried couple and a member of the same household for whom that person is responsible and who is a child or a young person;

For the purposes of the scheme a child is further defined as a 'child or young person'
A 'child' means a person under the age of 16 and a 'Young Person' is someone aged 16 or over but under 20 and who satisfies other conditions. These conditions are:

- they are aged 16, have left 'relevant education' or training, and 31 August following the sixteenth birthday has not yet been passed;
- they are aged 16 or 17, have left education or training, are registered for work, education or training, are not in remunerative work and are still within their 'extension period';
- they are on a course of full-time non-advanced education, or are doing 'approved training', and they began that education or training before reaching the age of 19;
- they have finished a course of full-time non-advanced education, but are enrolled on another such course (other than one provided as a result of their employment);
- they have left 'relevant education' or 'approved training' but have not yet passed their 'terminal date'.

- 9.2 Paragraph 9.1 the definition of child or young person shall not apply to a person who is;
- a. on income support ;
 - b. an income-based jobseeker's allowance or an income related employment and support allowance; or be entitled to an award of Universal Credit; or
 - c. a person to whom section 6 of the Children (Leaving Care) Act 2000 applies.
- 9.3 The definition also includes a child or young person in respect of whom there is an entitlement to child benefit but only for the period that Child Benefit is payable.

10.0 Circumstances in which a person is to be treated as responsible (or not responsible) for a child or young person.

- 10.1 Subject to the following paragraphs a person shall be treated as responsible for a child or young person who is normally living with him, and this includes a child or young person to whom paragraph 9.3 applies.
- 10.2 Where a child or young person spends equal amounts of time in different households, or where there is a question as to which household he is living in, the child or young person shall be treated for the purposes of paragraph 9.1 as normally living with;
- a. the person who is receiving child benefit in respect of him; or
 - b. if there is no such person;
 - i. where only one claim for child benefit has been made in respect of him, the person who made that claim; or

ii. in any other case the person who has the primary responsibility for him.

10.3 For the purposes of this scheme a child or young person shall be the responsibility of only one person in any reduction week and any person other than the one treated as responsible for the child or young person under this section shall be treated as not so responsible.

11.0 Circumstances in which a child or young person is to be treated as being or not being a member of the household.

11.1 Subject to paragraphs 11.2 and 11.3, the applicant and any partner and, where the applicant or his partner is treated as responsible by virtue of section 10 (circumstances in which a person is to be treated as responsible or not responsible for a child or young person) for a child or young person, that child or young person and any child of that child or young person, shall be treated as members of the same household notwithstanding that any of them is temporarily absent from that household.

11.2 A child or young person shall not be treated as a member of the applicant's household where he is;

- a. placed with the applicant or his partner by a local authority under section 23(2)(a) of the Children Act 1989 or by a voluntary organisation under section 59(1)(a) of that Act, or in Scotland boarded out with the applicant or his partner under a relevant enactment; or
- b. placed, or in Scotland boarded out, with the applicant or his partner prior to adoption; or
- c. placed for adoption with the applicant or his partner in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009.

11.3 Subject to paragraph 11.4, paragraph 11.1 shall not apply to a child or young person who is not living with the applicant and he—

- a. is being looked after by, or in Scotland is in the care of, a local authority under a relevant enactment; or
- b. has been placed, or in Scotland boarded out, with a person other than the applicant prior to adoption; or
- c. has been placed for adoption in accordance with the Adoption and Children Act 2002 or the Adoption Agencies (Scotland) Regulations 2009; or in accordance with an adoption allowance scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (adoption allowances schemes).

11.4 The authority shall treat a child or young person to whom paragraph 11.3 a) applies as being a member of the applicant's household in any reduction week where;

- a. that child or young person lives with the applicant for part or all of that reduction week; and
- b. the authority considers that it is responsible to do so taking into account the nature and frequency of that child's or young person's visits.

11.5 In this paragraph 'relevant enactment' means the Army Act 1955, the Air Force Act 1955, the Naval Discipline Act 1957, the Matrimonial Proceedings (Children) Act 1958, the Social Work (Scotland) Act 1968, the Family Law Reform Act 1969, the Children and Young Persons Act 1969, the Matrimonial Causes Act 1973, the Children Act 1975, the Domestic Proceedings and Magistrates' Courts Act 1978, the Adoption and Children (Scotland) Act 1978, the Family Law Act 1986, the Children Act 1989, the Children (Scotland) Act 1995 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Sections 12 – 14 & Schedule 1

Applicable Amounts for Council tax reduction purposes

12.0 Applicable amounts (Living Allowances)

12.1 Subject to sections 13 and 14, an applicant's weekly applicable amount shall be aggregate of such of the following amounts as may apply in his case:

- a. an amount in respect of himself or, if he is a member of a couple, an amount in respect of both of them, determined in accordance with paragraph 1 as the case may be, of Schedule 1 of this scheme;
- b. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme in respect of any child or young person who is a member of his family;
- c. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium). **No family premium will be awarded where an application for reduction is received on or after 1st April 2017.**
 - i) Sub paragraph (c) shall not apply to a person who, on 31st March 2017, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
 - (ii) (i) above does not apply if—
 - (a) sub-paragraph 12.1 c (i) (a) or (b) of that paragraph ceases to apply; or
 - (b) the person makes a new claim for Council Tax Reduction.
 - (iii) For the purpose of this section "child", "polygamous marriage" and "young person" have the same meaning as in section 2 of this scheme;
- d. the amount of any premiums which may be applicable to him, determined in accordance with paragraphs 4 to 16 of Schedule 1 of this document (premiums).
- e. the amount of either the
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 of this document (the components)
- f. the amount of any transitional addition which may be applicable to him in accordance with paragraph 19 to 20 of Schedule 1 of this scheme (transitional addition).

13.0 Polygamous marriages

13.1 Subject to section 14, where an applicant is a member of a polygamous marriage, his weekly applicable amount shall be the aggregate of such of the following amounts as may apply in his case:

- a. the amount applicable to him and one of his partners determined in accordance with paragraph 1 of Schedule 1 of this scheme as if he and that partner were a couple;
- b. an amount equal to the amount within paragraph 1 (3) (c) of Schedule 1 of this scheme in respect of each of his other partners;
- c. an amount determined in accordance with paragraph 2 of Schedule 1 of this scheme (applicable amounts) in respect of any child or young person for whom he or a partner of his is responsible and who is a member of the same household;
- d. if he is a member of a family of which at least one member is a child or young person, an amount determined in accordance with paragraph 3 of Schedule 1 (family premium). **No family premium will be awarded where an application for reduction is received on or after 1st April 2017.**
 - i) Sub paragraph (d) shall not apply to a person who, on 31st March 2017, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of

the same household.

(i) above does not apply if—

- (a) sub-paragraph 13.1 d (i) (a) or (b) of that paragraph ceases to apply; or
- (b) the person makes a new claim for Council Tax Reduction.

(ii) For the purpose of this section “child”, “polygamous marriage” and “young person” have the same meaning as in section 2 of this scheme;

- e. the amount of any premiums which may be applicable to him determined in accordance with paragraphs 4 to 16 of Schedule 1 of this scheme (premiums).
- f. the amount of either the;
 - i. work-related activity component; or
 - ii. support component which may be applicable to him in accordance with paragraph 17 and 18 of Schedule 1 (the components).
- g. the amount of any transitional addition which may be applicable to him in accordance with paragraphs 19 and 20 of Schedule 1 of this scheme (transitional addition)

14.0 Applicable amount: persons who are not pensioners who have an award of universal credit.

14.1 In determining the applicable amount for a week of an applicant—

- a. who has, or
- b. who (jointly with his partner) has,

an award of universal credit, the authority must use the calculation or estimate of the maximum amount of the applicant, or the applicant and his partner jointly (as the case may be), subject to the adjustment described in sub-paragraph (2).

14.2 The adjustment referred to in sub-paragraph (1) is to multiply the maximum amount by 12 and divide the product by 52.

14.3 In this paragraph “maximum amount” means the maximum amount calculated by the Secretary of State in accordance with section 8(2) of the Welfare Reform Act 2012

Sections 15 – 32 & Schedules 3 & 4

Definition and the treatment of income for Council tax reduction purposes

15.0 Calculation of income and capital of members of applicant's family and of a polygamous marriage

- 15.1 The income and capital of:
- (a) an applicant; and
 - (b) any partner of that applicant,

is to be calculated in accordance with the provisions of this Part.

- 15.2 The income and capital of any partner of the applicant is to be treated as income and capital of the applicant, and in this Part any reference to the applicant applies equally to any partner of that applicant.

- 15.3 Where an applicant or the partner of an applicant is married polygamously to two or more members of his household:
- (a) the applicant must be treated as possessing capital and income belonging to each such member; and
 - (b) the income and capital of that member is to be calculated in accordance with the following provisions of this Part in like manner as for the applicant.

15A.0 Calculation of income and capital: persons who have an award of universal credit.

- 15A.1 In determining the income of an applicant;
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit the authority must, subject to the following provisions of this paragraph, use the calculation or estimate of the income of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining the award of universal credit.

- 15A.2 The authority must adjust the amount referred to in sub-paragraph (1) to take account of
- (a) income consisting of the award of universal credit, determined in accordance with subparagraph (3);
 - (b) a disregard of £10 per week in respect of any earnings shown in the calculation of universal credit;
 - (c) any sum to be disregarded under paragraphs of Schedule 4 to this scheme (sums to be disregarded in the calculation of income other than earnings: persons who are not pensioners);
 - (d) section 33 (circumstances in which income and capital of non-dependant is to be treated as applicant's) if the authority determines that the provision applies in the applicant's case;
 - (e) such further reduction (if any) as the authority thinks fit under section 13A(1)(c) of the 1992 Act (power of billing authority to reduce amount of council tax payable).

- 15A.3 The amount for the award of universal credit is to be determined by multiplying the amount of the award by 12 and dividing the product by 52.

- 15A.4 sections 33 (income and capital of non-dependant to be treated as applicant's) and 52 and 53 (disregards from income) apply (so far as relevant) for the purpose of determining any adjustments, which fall to be made to the figure for income under sub-paragraph (2)

- 15A.5 In determining the capital of an applicant;
- (a) who has, or
 - (b) who (jointly with his partner) has,
- an award of universal credit, the authority must use the calculation or estimate of the capital of the applicant, or the applicant and his partner jointly (as the case may be), made by the Secretary of State for the purpose of determining that award.

16.0 Circumstances in which capital and income of non-dependant is to be treated as applicant's.

16.1 Where it appears to the authority that a non-dependant and the applicant have entered into arrangements in order to take advantage of the council tax reduction scheme and the non-dependant has more capital and income than the applicant, that authority shall, except where the applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, treat the applicant as possessing capital and income belonging to that non-dependant, and, in such a case, shall disregard any capital and income which the applicant does possess.

16.2 Where an applicant is treated as possessing capital and income belonging to a non-dependant under paragraph 16.1 the capital and income of that non-dependant shall be calculated in accordance with the following provisions in like manner as for the applicant and any reference to the 'applicant' shall, except where the context otherwise requires, be construed for the purposes of this scheme as if it were a reference to that non-dependant.

17.0 Calculation of income on a weekly basis

17.1 For the purposes of this scheme and in line with regulation 34 of the Housing Benefit Regulations 2006 (disregard to changes in tax, contributions etc.), the income of an applicant shall be calculated on a weekly basis;

- a. by estimating the amount which is likely to be his average weekly income in accordance with this Section and in line with Sections 2, 3, 4 and 5 of Part 6 of the Housing Benefit Regulations 2006;
- b. by adding to that amount, the weekly income calculated in line with regulation 52 of the Housing Benefit Regulations 2006 (calculation to tariff income from capital); and
- c. by then deducting any relevant child care charges to which section 18 (treatment of child care charges) applies from any earnings which form part of the average weekly income or, in a case where the conditions in paragraph 18.2 are met, from those earnings plus whichever credit specified in sub-paragraph (b) of that paragraph is appropriate, up to a maximum deduction in respect of the applicant's family of whichever of the sums specified in paragraph (3) applies in his case.

17.2 The conditions of this paragraph are that;

- a. the applicant's earnings which form part of his average weekly income are less than the lower of either his relevant child care charges or whichever of the deductions specified in paragraph (3) otherwise applies in his case; and
- b. that applicant or, if he is a member of a couple either the applicant or his partner, is in receipt of either working tax credit or child tax credit.

17.3 The maximum deduction to which paragraph 17.1 c) above refers shall be;

- a. where the applicant's family includes only one child in respect of whom relevant child care charges are paid, £175.00 per week.
- b. where the applicant's family includes more than one child in respect of whom relevant child care charges are paid, £300.00 per week.

The amounts stated in this paragraph shall be amended in accordance with the Housing Benefit Regulations 2006 (as amended).

17.4 For the purposes of paragraph 17.1 'income' includes capital treated as income under section 31 (capital treated as income) and income, which an applicant is treated as possessing under section 32 (notional income).

18.0 Treatment of child care charges

18.1 This section applies where an applicant is incurring relevant child-care charges and;

- a. is a lone parent and is engaged in remunerative work;

- b. is a member of a couple both of whom are engaged in remunerative work; or
 - c. is a member of a couple where one member is engaged in remunerative work and the other;
 - i. is incapacitated;
 - ii. is an in-patient in hospital; or
 - iii. is in prison (whether serving a custodial sentence or remanded in custody awaiting trial or sentence).
- 18.2 For the purposes of paragraph 18.1 and subject to paragraph 18.4, a person to whom paragraph 18.3 applies shall be treated as engaged in remunerative work for a period not exceeding 28 weeks during which he—
- a. is paid statutory sick pay;
 - b. is paid short-term incapacity benefit at the lower rate under sections 30A to 30E of the Act;
 - c. is paid an employment and support allowance;
 - d. is paid income support on the grounds of incapacity for work under regulation 4ZA of, and paragraph 7 or 14 of Schedule 1B to, the Income Support Regulations 1987; or
 - e. is credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975.
- 18.3 This paragraph applies to a person who was engaged in remunerative work immediately before
- a. the first day of the period in respect of which he was first paid statutory sick pay, short-term incapacity benefit, an employment and support allowance or income support on the grounds of incapacity for work; or
 - b. the first day of the period in respect of which earnings are credited, as the case may be.
- 18.4 In a case to which paragraph 18.2 d) or e) applies, the period of 28 weeks begins on the day on which the person is first paid income support or on the first day of the period in respect of which earnings are credited, as the case may be.
- 18.5 Relevant child care charges are those charges for care to which paragraphs 18.6 and 18.7 apply and shall be calculated on a weekly basis in accordance with paragraph 18.10.
- 18.6 The charges are paid by the applicant for care, which is provided;
- a. in the case of any child of the applicant's family who is not disabled, in respect of the period beginning on that child's date of birth and ending on the day preceding the first Monday in September following that child's fifteenth birthday; or
 - b. in the case of any child of the applicant's family who is disabled, in respect of the period beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday.
- 18.7 The charges are paid for care, which is provided by one, or more of the care providers listed in paragraph 18.8 and are not paid—
- a. in respect of the child's compulsory education;
 - b. by an applicant to a partner or by a partner to an applicant in respect of any child for whom either or any of them is responsible in accordance with section 10 (circumstances in which a person is treated as responsible or not responsible for another); or
 - c. in respect of care provided by a relative of the child wholly or mainly in the child's home.
- 18.8 The care to which paragraph 18.7 refers may be provided;
- a. out of school hours, by a school on school premises or by a local authority;
 - i. for children who are not disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their fifteenth birthday; or
 - ii. for children who are disabled in respect of the period beginning on their eight birthday and ending on the day preceding the first Monday in September following their sixteenth birthday; or

- b. by a child care provider approved in accordance with by the Tax Credit (New Category of Child Care Provider) Regulations 1999;
- c. by persons registered under Part 2 of the Children and Families (Wales) Measure 2010; or
- d. by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) order 2010; or
- e. by;
 - i. persons registered under section 59(1) of the Public Services Reform Scotland Act 2010; or
 - ii. local authorities registered under section 8(1) of that Act, where the care provided is child minding or daycare within the meaning of that Act; or
- f. by a person prescribed in regulations made pursuant to section 12(4) of the Tax Credits Act 2002 or
- g. by a person who is registered under Chapter 2 or 3 of Part 3 of the Childcare Act 2006; or
- h. by any of the schools mentioned in section 34(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 2 of Part 3 of that Act does not apply by virtue of section 34(2) of that Act; or
- i. by any of the schools mentioned in section 53(2) of the Childcare Act 2006 in circumstances where the requirement to register under Chapter 3 of Part 3 of that Act does not apply by virtue of section 53(2) of that Act; or
- j. by any of the establishments mentioned in section 18(5) of the Childcare Act 2006 in circumstances where the care is not included in the meaning of 'childcare' for the purposes of Part 1 and Part 3 of that Act by virtue of that subsection; or
- k. by a foster parent or kinship carer under the Fostering Services Regulations 2002, the Fostering Services (Wales) Regulations 2003 or the Looked After Children (Scotland) Regulations 2009 in relation to a child other than one whom the foster parent is fostering, or kinship carer is looking after; or
- l. by a domiciliary care worker under the Domiciliary Care Agencies Regulations 2002 or the Domiciliary Care Agencies (Wales) Regulations 2004; or
- m. by a person who is not a relative of the child wholly or mainly in the child's home.

18.9 In paragraphs 18.6 and 18.8 a), 'the first Monday in September' means the Monday which first occurs in the month of September in any year.

18.10 Relevant child care charges shall be estimated over such period, not exceeding a year, as is appropriate in order that the average weekly charge may be estimated accurately having regard to information as to the amount of that charge provided by the child minder or person providing the care.

18.11 For the purposes of paragraph 18.1 c) the other member of a couple is incapacitated where;

- a. the applicant's applicable amount includes a disability premium on account of the other member's incapacity or the support component or the work-related activity component on account of his having limited capability for work;
- b. the applicant's applicable amount would include a disability premium on account of the other member's incapacity but for that other member being treated as capable of work by virtue of a determination made in accordance with regulation made under section 171E of the Act;
- c. the applicant's applicable amount would include the support component or the work-related activity component on account of the other member having limited capability for work but for that other member being treated as not having limited capability for work by virtue of a determination made in accordance with the Employment and Support Allowance Regulations 2008 or Employment and Support Regulations 2013;

- d. the applicant (within the meaning of this scheme) is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;
- e. the applicant (within the meaning of this scheme) has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations 20018 or Employment and Support Regulations 2013 for a continuous period of not less than 196 days and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period;
- f. there is payable in respect of him one or more of the following pensions or allowances—
 - i. long-term incapacity benefit or short-term incapacity benefit at the higher rate under Schedule 4 to the Act;
 - ii. attendance allowance under section 64 of the Act;
 - iii. severe disablement allowance under section 68 of the Act;
 - iv. disability living allowance under section 71 of the Act;
 - v. personal independence payment under the Welfare Reform Act 2012;
 - vi. an AFIP;
 - vii. increase of disablement pension under section 104 of the Act;
 - viii. a pension increase paid as part of a war disablement pension or under an industrial injuries scheme which is analogous to an allowance or increase of disablement pension under head (ii), (iv) or (vii) above;
 - ix. main phase employment and support allowance;
- g. a pension or allowance to which head (ii), (iv), (vi) or (viii) of sub-paragraph (f) above refers was payable on account of his incapacity but has ceased to be payable in consequence of his becoming a patient, which in this section shall mean a person (other than a person who is serving a sentence of imprisonment or detention in a youth custody institution) who is regarded as receiving free in-patient treatment within the meaning of social security (Hospital In-Patients) Regulations 2005.
- h. an AFIP would be payable to that person but for any suspension of payment in accordance with any terms of the armed and reserve forces compensation scheme which allow for a suspension because a person is undergoing medical treatment in a hospital or similar institution;
- i. paragraphs (f) or (g) would apply to him if the legislative provisions referred to in those sub-paragraphs were provisions under any corresponding enactment having effect in Northern Ireland; or
- j. he has an invalid carriage or other vehicle provided to him by the Secretary of State under section 5(2)(a) of and Schedule 2 to the National Health Service Act 1977 or under section 46 of the National Health Service (Scotland) Act 1978 or provided by the Department of Health, Social Services and Public Safety in Northern Ireland under Article 30(1) of the Health and Personal Social Services (Northern Ireland) Order 1972.

18.12 For the purposes of paragraph 18.11 once paragraph 18.11d) applies to the applicant, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable, or is treated as remaining incapable, of work.

18.12A For the purposes of paragraph 18.11, once paragraph 18.11e) applies to the applicant, if he then ceases, for a period of 84 days or less, to have, or to be treated as having, limited capability for work, that paragraph is, on his again having, or being treated as having, limited capability for work at the end of that period, immediately thereafter apply to him for so long as he has, or is treated as having, limited capability for work.

- 18.13 For the purposes of paragraphs 18.6 and 18.8 a), a person is disabled if he is a person–
- a. in respect of whom disability living allowance or personal independence payment is payable, or has ceased to be payable solely because he is a patient;
 - b. who is registered as blind in a register compiled under section 29 of the National Assistance Act 1948 (welfare services) or, in Scotland, has been certified as blind and in consequence he is registered as blind in a register maintained by or on behalf of a council constituted under section 2 of the Local Government (Scotland) Act 1994; or
 - c. who ceased to be registered as blind in such a register within the period beginning 28 weeks before the first Monday in September following that person’s fifteenth birthday and ending on the day preceding that person’s sixteenth birthday.

- 18.14 For the purposes of paragraph 18.1 a woman on maternity leave, paternity leave or adoption leave shall be treated as if she is engaged in remunerative work for the period specified in paragraph 18.15 (‘the relevant period’) provided that–
- a. in the week before the period of maternity leave, paternity leave or shared parental leave effective from 5/4/2015 or adoption leave began she was in remunerative work or adoption leave began she was in remunerative work;
 - b. the applicant is incurring relevant child care charges within the meaning of paragraph 18.5; and
 - c. she is entitled to either statutory maternity pay under section 164 of the Act, statutory paternity pay by virtue of section 171ZA or 171ZB of the Act statutory adoption pay by of section 171ZL of the Act, maternity allowance under section 35 of the Act or qualifying support.

- 18.15 For the purposes of paragraph 18.14 the relevant period shall begin on the day on which the person’s maternity, paternity leave or adoption leave commences and shall end on–
- a. the date that leave ends;
 - b. if no child care element of working tax credit is in payment on the date that entitlement to maternity allowance, qualifying support, statutory maternity pay, statutory paternity pay or statutory adoption pay ends, the date that entitlement ends; or
 - c. if a child care element of working tax credit is in payment on the date that entitlement to maternity allowance or qualifying support, statutory maternity pay or statutory adoption pay ends, the date that entitlement to that award of the child care element of the working tax credits ends.
- whichever shall occur first.

- 18.16 In paragraphs 18.14 and 18.15
- a. **‘qualifying support’** means income support to which that person is entitled by virtue of paragraph 14B of Schedule 1B to the Income Support Regulations 1987; and
 - b. **‘child care element’** of working tax credit means the element of working tax credit prescribed under section 12 of the Tax Credits Act (child care element) 2002.

- 18.17 In this section ‘applicant’ does not include an applicant;
- a. who has, or
 - b. who (jointly with his partner) has,
- an award of universal credit

19.0 Average weekly earnings of employed earners.

- 19.1 Where an applicant’s income consists of earnings from employment as an employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment–
- a. over a period immediately preceding the reduction week in which the claim is made or treated as made and being a period of
 - i. 5 weeks, if he is paid weekly; or
 - ii. 2 months, if he is paid monthly; or
 - b. whether or not sub-paragraph 19.1a i) or ii) applies, where an applicant’s earnings fluctuate, over such other period preceding the reduction week in which the claim is made or treated

as made as may, in any particular case, enable his average weekly earnings to be estimated more accurately.

19.2 Where the applicant has been in his employment for less than the period specified in paragraph 19.1 a)(i) or (ii)

- a. if he has received any earnings for the period that he has been in that employment and those earnings are likely to represent his average weekly earnings from that employment his average weekly earnings shall be estimated by reference to those earnings;
- b. in any other case, the authority shall require the applicant's employer to furnish an estimate of the applicant's likely weekly earnings over such period as the authority may require and the applicant's average weekly earnings shall be estimated by reference to that estimate.

19.3 Where the amount of an applicant's earnings changes during an award the authority shall estimate his average weekly earnings by reference to his likely earnings from the employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed 52 weeks.

19.4 For the purposes of this section the applicant's earnings shall be calculated in accordance with sections 25 and 26.

20.0 Average weekly earnings of self-employed earners

20.1 Where an applicant's income consists of earnings from employment as a self-employed earner his average weekly earnings shall be estimated by reference to his earnings from that employment over such period as is appropriate in order that his average weekly earnings may be estimated accurately but the length of the period shall not in any case exceed a year.

20.2 For the purposes of this section the applicant's earnings shall be calculated in accordance with section 27 to 29 of this scheme.

21.0 Average weekly income other than earnings

21.1 An applicant's income which does not consist of earnings shall, except where paragraph 18.2 applies, be estimated over such period as is appropriate in order that his average weekly income may be estimated accurately but the length of the period shall not in any case exceed 52 weeks; and nothing in this paragraph shall authorise the authority to disregard any such income other than that specified in Schedule 4 of this scheme.

21.2 The period over which any benefit under the benefit Acts is to be taken into account shall be the period in respect of which that support is payable.

21.3 For the purposes of this section income other than earnings shall be calculated in accordance with paragraphs 30 to 32 of this scheme.

22.0 Calculation of average weekly income from tax credits

22.1 This section applies where an applicant receives a tax credit.

22.2 Where this section applies, the period over which a tax credit is to be taken into account shall be the period set out in paragraph 22.3.

22.3 Where the instalment in respect of which payment of a tax credit is made is;

- a. a daily instalment, the period is 1 day, being the day in respect of which the instalment is paid;
- b. a weekly instalment, the period is 7 days, ending on the day on which the instalment is due

- to be paid;
- c. a two weekly instalment, the period is 14 days, commencing 6 days before the day on which the instalment is due to be paid;
- d. a four weekly instalment, the period is 28 days, ending on the day on which the instalment is due to be paid.

22.4 For the purposes of this section 'tax credit' means child tax credit or working tax credit.

23.0 Calculation of weekly income

23.1 For the purposes of sections 19 (average weekly earnings of employed earners), 21 (average weekly income other than earnings) and 22 (calculation of average weekly income from tax credits), where the period in respect of which a payment is made;

- a. does not exceed a week, the weekly amount shall be the amount of that payment;
- b. exceeds a week, the weekly amount shall be determined–
 - i. in a case where that period is a month, by multiplying the amount of the payment by 12 and dividing the product by 52;
 - ii. in any other case, by dividing the amount of the payment by the number equal to the number of days in the period to which it relates and multiplying the product by 7.

23.2 For the purpose of section 20 (average weekly earnings of self-employed earners) the weekly amount of earnings of an applicant shall be determined by dividing his earnings over the assessment period by the number equal to the number of days in that period and multiplying the product by 7.

24.0 Disregard of changes in tax, contributions etc.

24.1 In calculating the applicant's income the appropriate authority may disregard any legislative change;

- a. in the basic or other rates of income tax;
- b. in the amount of any personal tax relief;
- c. in the rates of national insurance contributions payable under the Act or in the lower earnings limit or upper earnings limit for Class 1 contributions under the Act, the lower or upper limits applicable to Class 4 contributions under the Act or the amount specified in section 11(4) of the Act (small profits threshold in relation to Class 2 contributions);
- d. in the amount of tax payable as a result of an increase in the weekly rate of Category A, B, C or D retirement pension or any addition thereto or any graduated pension payable under the Act;
- e. in the maximum rate of child tax credit or working tax credit,

for a period not exceeding 30 reduction weeks beginning with the reduction week immediately following the date from which the change is effective.

25.0 Earnings of employed earners.

25.1 Subject to paragraph 25.2, 'earnings' means in the case of employment as an employed earner, any remuneration or profit derived from that employment and includes–

- a. any bonus or commission;
- b. any payment in lieu of remuneration except any periodic sum paid to an applicant on account of the termination of his employment by reason of redundancy;
- c. any payment in lieu of notice, or any lump sum payment intended as compensation for the loss of employment but only in so far as it represents loss of income;
- d. any holiday pay except any payable more than 4 weeks after termination or interruption of the employment;
- e. any payment by way of a retainer;
- f. any payment made by the applicant's employer in respect of expenses not wholly,

- exclusively and necessarily incurred in the performance of the duties of the employment, including any payment made by the applicant's employer in respect of—
- g. (i) travelling expenses incurred by the applicant between his home and his place of employment;
 - (ii) expenses incurred by the applicant under arrangements made for the care of a member of his family owing to the applicant's absence from home;
 - h. any award of compensation made under section 112(4) or 117(3)(a) of the Employment Rights Act 1996 (remedies and compensation for unfair dismissal);
 - i. any payment or remuneration made under section 28, 34, 64, 68 or 70 of the Employment Rights Act 1996 (right to guarantee payments, remuneration on suspension on medical or maternity grounds, complaints to employment tribunals);
 - j. any such sum as is referred to in section 112 of the Act (certain sums to be earnings for social security purposes);
 - k. any statutory sick pay, statutory maternity pay, statutory paternity pay, shared parental pay or statutory adoption pay, or a corresponding payment under any enactment having effect in Northern Ireland;
 - l. any remuneration paid by or on behalf of an employer to the applicant who for the time being is on maternity leave, paternity leave, shared parental pay or adoption leave or is absent from work because he is ill;
 - m. the amount of any payment by way of a non-cash voucher which has been taken into account in the computation of a person's earnings in accordance with Part 5 of Schedule 3 to the Social Security (Contributions) Regulations 2001 as amended¹⁵.

25.2 Earnings shall not include—

- a. subject to paragraph 25.3, any payment in kind;
- b. any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of employment;
- c. any occupational pension
- d. any payment in respect of expenses arising out of an applicant participating as a service user.

25.3 Paragraph 25.2 a) shall not apply in respect of any non-cash voucher referred to in paragraph 25.1 m)

26.0 Calculation of net earnings of employed earners.

26.1 For the purposes of section 19 (average weekly earnings of employed earners), the earnings of an applicant derived or likely to be derived from employment as an employed earner to be taken into account shall, subject to paragraph 26.2, be his net earnings.

26.2 There shall be disregarded from an applicant's net earnings, any sum, where applicable, specified in paragraphs 1 to 14 of Schedule 3.

26.3 For the purposes of paragraph 26.1 net earnings shall, except where paragraph 26.6 applies, be calculated by taking into account the gross earnings of the applicant from that employment over the assessment period, less;

- a. any amount deducted from those earnings by way of
 - i) income tax;
 - ii) primary Class 1 contributions under the Act;
- b. one-half of any sum paid by the applicant by way of a contribution towards an occupational pension scheme;
- c. one-half of the amount calculated in accordance with paragraph 26.5 in respect of any qualifying contribution payable by the applicant; and
- d. where those earnings include a payment which is payable under any enactment having

¹⁵ Social Security (Contributions)(Amendment) Regulations 2013, Social Security (Contributions)(Amendment No.2) Regulations 2013 and Social Security (Contributions)(Amendment No.2) Regulations 2013

effect in Northern Ireland and which corresponds to statutory sick pay, statutory maternity pay, statutory paternity pay or statutory adoption pay, any amount deducted for those earnings by way of any contributions which are payable under any enactment having effect in Northern Ireland and which correspond to primary Class 1 contributions under the Act.

- 26.4 In this section ‘qualifying contribution’ means any sum which is payable periodically as a contribution towards a personal pension scheme.
- 26.5 The amount in respect of any qualifying contribution shall be calculated by multiplying the daily amount of the qualifying contribution by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying contribution shall be determined–
- a. where the qualifying contribution is payable monthly, by multiplying the amount of the qualifying contribution by 12 and dividing the product by 365;
 - b. in any other case, by dividing the amount of the qualifying contribution by the number equal to the number of days in the period to which the qualifying contribution relates.
- 26.6 Where the earnings of an applicant are estimated under sub-paragraph (b) of paragraph 2) of the section 19 (average weekly earnings of employment earners), his net earnings shall be calculated by taking into account those earnings over the assessment period, less–
- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988(personal allowances) as is appropriate to his circumstances but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rata basis;
 - b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
 - c. one-half of any sum which would be payable by the applicant by way of a contribution towards an occupational or personal pension scheme if the earnings so estimated were actual earnings.

27.0 Earnings of self-employed earners

- 27.1 Subject to paragraph 27.2, ‘earnings’, in the case of employment as a self- employed earner, means the gross income of the employment plus any allowance paid under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 to the applicant for the purpose of assisting him in carrying on his business unless at the date of claim the allowance has been terminated.
- 27.2 ‘Earnings’ shall not include any payment to which paragraph 27 or 28 of Schedule 4 refers (payments in respect of a person accommodated with the applicant under arrangements made by a local authority or voluntary organisation and payments made to the applicant by a health authority, local authority or voluntary organisation in respect of persons temporarily in the applicant’s care) nor shall it include any sports award.
- 27.3 This paragraph applies to–
- a. royalties or other sums paid as a consideration for the use of, or the right to use, any copyright, design, patent or trade mark; or
 - b. any payment in respect of any–
 - (i) book registered under the Public Lending Right Scheme 1982; or
 - (ii) work made under any international public lending right scheme that is analogous to

the Public Lending Right Scheme 1982, where the applicant is the first owner of the copyright, design, patent or trade mark, or an original contributor to the book of work concerned.

- 27.4 Where the applicant's earnings consist of any items to which paragraph 27.3 applies, those earnings shall be taken into account over a period equal to such number of weeks as is equal to the number obtained (and any fraction is to be treated as a corresponding fraction of a week) by dividing the earnings by
- (a) the amount of the reduction under this scheme which would be payable had the payment not been made, plus;
 - (b) an amount equal to the total of the sums which would fall to be disregarded from the payment under Schedule 3 (sums to be disregarded in the calculation of earnings) as appropriate in the applicant's case.

28.0 Calculation of net profit of self-employed earners

- 28.1 For the purposes of section 20 (average weekly earnings of self-employed earners) the earnings of an applicant to be taken into account shall be;
- a. in the case of a self-employed earner who is engaged in employment on his own account, the net profit derived from that employment;
 - b. in the case of a self-employed earner whose employment is carried on in partnership or is that of a share fisherman within the meaning of the Social Security (Mariners' Benefits) Regulations 1975, his share of the net profit derived from that employment, less—
 - i. an amount in respect of income tax and of national insurance contributions payable under the Act calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - ii. one-half of the amount calculated in accordance with paragraph (11) in respect of any qualifying premium.
- 28.1A Where the claimant has been engaged in self-employment for a period in excess of 12 months **and** the declared net profit derived from that employment is, in the opinion of the authority, unreasonable, the net profit derived from self-employment shall be the number of hours worked as declared or 35 hours per week, whichever is the higher multiplied by the current national minimum wage for the claimant as defined by the National Minimum Wage Act 1998.
- 28.2 There shall be disregarded from an applicant's net profit, any sum, where applicable, specified in paragraph 1 to 14 of Schedule 3.
- 28.3 For the purposes of paragraph 28.1 a) the net profit of the employment must, except where paragraph 28.9 applies, be calculated by taking into account the earnings for the employment over the assessment period less;
- a. subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of that employment;
 - b. an amount in respect of;
 - (i) income tax, and
 - (ii) national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
 - c. one-half of the amount calculated in accordance with paragraph (28.11) in respect of any qualifying premium.
- 28.4 For the purposes of paragraph 28.1b) the net profit of the employment shall be calculated by taking into account the earnings of the employment over the assessment period less, subject to paragraphs 28.5 to 28.7, any expenses wholly and exclusively incurred in that period for the purposes of the employment.
- 28.5 Subject to paragraph 28.6 no deduction shall be made under paragraph 28.3 a) or 28.4, in

respect of–

- a. any capital expenditure;
- b. the depreciation of any capital asset;
- c. any sum employed or intended to be employed in the setting up or expansion of the employment;
- d. any loss incurred before the beginning of the assessment period;
- e. the repayment of capital on any loan taken out for the purposes of the employment;
- f. any expenses incurred in providing business entertainment, and
- g. any debts, except bad debts proved to be such, but this sub-paragraph shall not apply to any expenses incurred in the recovery of a debt.

28.6 A deduction shall be made under paragraph 28.3 a) or 28.4 in respect of the repayment of capital on any loan used for–

- a. the replacement in the course of business of equipment or machinery; and
- b. the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair.

28.7 The authority shall refuse to make deduction in respect of any expenses under paragraph 28.3 a) or 28.4 where it is not satisfied given the nature and the amount of the expense that it has been reasonably incurred.

28.8 For the avoidance of doubt–

- a. deduction shall not be made under paragraph 28.3 a) or 28.4 in respect of any sum unless it has been expended for the purposes of the business;
- b. a deduction shall be made thereunder in respect of–
 - i. the excess of any value added tax paid over value added tax received in the assessment period;
 - ii. any income expended in the repair of an existing business asset except to the extent that any sum is payable under an insurance policy for its repair;
 - iii. any payment of interest on a loan taken out for the purposes of the employment

28.9 Where an applicant is engaged in employment, as a child minder the net profit of the employment shall be one-third of the earnings of that employment, less an amount in respect of

- a. income tax; and
- b. national insurance contributions payable under the Act, calculated in accordance with section 29 (deduction of tax and contributions for self-employed earners); and
- c. one-half of the amount calculated in accordance with paragraph 28.1 in respect of any qualifying contribution.

28.10 For the avoidance of doubt where an applicant is engaged in employment as a self-employed earner, and he is also engaged in one or more other employments as a self-employed or employed earner any loss incurred in any one of his employments shall not be offset against his earnings in any other of his employments.

28.11 The amount in respect of any qualifying premium shall be calculated by multiplying the daily amount of the qualifying premium by the number equal to the number of days in the assessment period; and for the purposes of this section the daily amount of the qualifying premium shall be determined;

- a. where the qualifying premium is payable monthly, by multiplying the amount of the qualifying premium by 12 and divided the product by 365;
- b. in any other case, by dividing the amount of the qualifying premium by the number equal to the number of days in the period to which the qualifying premium relates.

28.12 In this section, 'qualifying premium' means any premium which is payable periodically in respect of a personal pension scheme and is so payable on or after the date of claim.

29.0 Deduction of tax and contributions of self-employed earners

- 29.1 The amount to be deducted in respect of income tax under section 28.1b i), 28.3 b) i) or 28.9 a) i) (calculation of net profit of self-employed earners) shall be calculated on the basis of the amount of chargeable income and as if that income were assessable to income tax at the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under section 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax is to be applied and the amount of the personal reliefs deductible under this paragraph shall be calculated on a pro rata basis.
- 29.2 The amount to be deducted in respect of national insurance contributions under paragraphs 28.1 1 b)(i); 28.3 b) ii) or 28.9 a shall be the total of—
- a. the amount of Class 2 contributions payable under section 11(1) or, as the case may be, 11(3) of the Act at the rate applicable to the assessment period except where the applicant's chargeable income is less than the amount specified in section 11(4) of the Act (small profits threshold) for the tax year applicable to the assessment period; but if the assessment period is less than a year, the amount specified for that tax year shall be reduced pro rata; and
 - b. the amount of Class 4 contributions (if any) which would be payable under section 15 of the Act (Class 4 contributions recoverable under the Income Tax Acts) at the percentage rate applicable to the assessment period on so much of the chargeable income as exceeds the lower limit but does not exceed the upper limit of profits and gains applicable for the tax year applicable to the assessment period; but if the assessment period is less than a year, those limits shall be reduced pro rata.
- 29.3 In this section 'chargeable income' means—
- a. except where sub-paragraph (b) applies, the earnings derived from the employment less any expenses deducted under paragraph 28.3(a) or, as the case may be, 28.4 of section 28;
 - b. in the case of employment as a child minder, one-third of the earnings of that employment.

30.0 Calculation of income other than earnings

- 30.1 For the purposes of section 21 (average weekly income other than earnings), the income of an applicant which does not consist of earnings to be taken into account shall, subject to paragraphs 27.2 to 27.4, be his gross income and any capital treated as income under section 31 (capital treated as income).
- 30.2 There is to be disregarded from the calculation of an applicant's gross income under paragraph 30.2, any sum, where applicable, specified in Schedule 4.
- 30.3 Where the payment of any benefit under the benefit Acts is subject to any deduction by way of recovery the amount to be taken into account under paragraph 30.1 shall be the gross amount payable.
- 30.4 Where the applicant or, where he is a member of a couple, his partner is receiving a contributory employment and support allowance and that benefit has been reduced under regulation 63 of the Employment and Support Allowance Regulations 2008, the amount of that benefit to be taken into account is the amount as if it had not been reduced.
- 30.5 Where an award of any working tax credit or child tax credit under the Tax Credits Act 2002 is subject to a deduction by way of recovery of an overpayment of working tax credit or child tax

credit which arose in a previous tax year the amount to be taken into account under paragraph 27.1 shall be the amount of working tax credit or child tax credit awarded less the amount of that deduction.

30.6 In paragraph 30.5 'tax year' means a period beginning with 6th April in one year and ending with 5th April in the next.

30.7 Paragraphs 30.8 and 30.9 apply where a relevant payment has been made to a person in an academic year; and that person abandons, or is dismissed from, his course of study before the payment to him of the final instalment of the relevant payment.

30.8 Where a relevant payment is made quarterly, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph 30.7 applies, shall be calculated by applying the formula—

$$\frac{A - (B \times C)}{D}$$

D

Where;

A = the total amount of the relevant payment which that person would have received had he remained a student until the last day of the academic term in which he abandoned, or was dismissed from, his course, less any deduction under paragraph 51.5

B = the number of reduction weeks from the reduction week immediately following that which includes the first day of that academic year to the reduction week which includes the day on which the person abandoned, or was dismissed from, his course;

C = the weekly amount of the relevant payment, before the application of the £10 disregard, which would have been taken into account as income under paragraph 51.2 had the person not abandoned or been dismissed from, his course and, in the case of a person who was not entitled to council tax reduction immediately before he abandoned or was dismissed from his course, had that person, at that time, been entitled to housing benefit;

D = the number of reduction weeks in the assessment period.

30.9 Where a relevant payment is made by two or more instalments in a quarter, the amount of a relevant payment to be taken into account for the assessment period for the purposes of paragraph 30.1 in respect of a person to whom paragraph (30.8) applies, shall be calculated by applying the formula in paragraph 30.8 but as if—

A = the total amount of relevant payments which that person received, or would have received, from the first day of the academic year to the day the person abandoned the course, or was dismissed from it, less any deduction under paragraph 51.5

30.10 In this section— 'academic year' and 'student loan' shall have the same meanings as for the purposes of sections 43 to 45, 'assessment period' means—

a. in a case where a relevant payment is made quarterly, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes the last day of the last quarter for which an instalment of the relevant payment was payable to that person;

b. in a case where the relevant payment is made by two or more instalments in a quarter, the period beginning with the reduction week which includes the day on which the person abandoned, or was dismissed from, his course and ending with the reduction week which includes—

i. the day immediately before the day on which the next instalment of the relevant payment would have been due had the payments continued; or

ii. the last day of the last quarter for which an instalment of the relevant payment was payable to that person.

whichever of those dates is earlier.

'quarter' in relation to an assessment period means a period in that year beginning on;

a. 1st January and ending on 31st March;

b. 1st April and ending on 30th June;

- c. 1st July and ending on 31st August; or
 - d. 1st September and ending on 31st December;
- ‘relevant payment’ means either a student loan or an amount intended for the maintenance of dependants referred to in paragraph 46.7 or both.

30.11 For the avoidance of doubt there shall be included as income to be taken into account under paragraph 30.1.

- a. any payment to which paragraph 25.2 (payments not earnings) applies; or
- b. in the case of an applicant who is receiving support under section 95 or 98 of the Immigration and Asylum Act 1999 including support provided by virtue of regulations made under Schedule 9 to that Act, the amount of such support provided in respect of essential living needs of the applicant and his dependants (if any) as is specified in regulations made under paragraph 3 of Schedule 8 to the Immigration and Asylum Act 1999.

31.0 Capital treated as income.

31.1 Any capital payable by instalments which are outstanding at the date on which the claim is made or treated as made, or, at the date of any subsequent revision or supersession, shall, if the aggregate of the instalments outstanding and the amount of the applicant’s capital otherwise calculated in accordance with sections 33 to 42 of this scheme exceeds £16,000, be treated as income.

31.2 Any payment received under an annuity shall be treated as income.

31.3 Any earnings to the extent that they are not a payment of income shall be treated as income.

31.4 Any Career Development Loan paid pursuant to section 2 of the Employment and Training Act 1973 Act shall be treated as income.

31.5 Where an agreement or court order provides that payments shall be made to the applicant in consequence of any personal injury to the applicant and that such payments are to be made, wholly or partly, by way of periodic payments, any such periodic payments received by the applicant (but not a payment which is treated as capital), shall be treated as income.

32.0 Notional income

32.1 An applicant shall be treated as possessing income of which he has deprived himself for the purpose of securing entitlement of support or increasing the amount of that support.

32.2 Except in the case of–

- a. a discretionary trust;
- b. a trust derived from a payment made in consequence of a personal injury;
- c. a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund where the applicant has not attained the qualifying age for state pension credit;
- d. any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a);
- e. any sum to which paragraph 48(a) of Schedule 5 refers;
- f. rehabilitation allowance made under section 2 of the 1973 Act;
- g. child tax credit; or
- h. working tax credit,
- i. any sum to which paragraph 32.13 applies;

any income which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by the applicant but only from the date on which it could be expected to be acquired were an application made.

32.3 – 32.5 Not used

- 32.6 Any payment of income, other than a payment of income specified in paragraph 32.7 made–
- a. to a third party in respect of a single applicant or a member of the family (but not a member of the third party’s family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under or by a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
 - b. to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party’s family) shall, where it is not a payment referred to in sub-paragraph a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
 - c. to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

- 32.7 Paragraph 32.6 shall not apply in respect of a payment of income made–
- a. under the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No. 2) Trust, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006);
 - b. pursuant to section 19(1)(a) of the Coal Industry Act 1994 (concessionary coal);
 - c. pursuant to section 2 of the 1973 Act in respect of a person’s participation–
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the Jobseeker’s Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations or;
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
 - d. in respect of a previous participation in the Mandatory Work Activity Scheme;
 - e. under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration, or a judicial factor has been appointed on that person’s estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

32.8 Where an applicant is in receipt of any benefit (other than council tax reduction) under the benefit Acts and the rate of that benefit is altered with effect from a date on or after 1st April in any year but not more than 14 days thereafter, the authority shall treat the applicant as possessing such benefit at the altered rate from either 1st April or the first Monday in April in that year, whichever date the authority shall select to apply in its area, to the date on which the altered rate is to take effect.

- 32.9 Subject to paragraph 32.10, where–
- a. applicant performs a service for another person; and

- b. that person makes no payment of earnings or pays less than that paid for a comparable employment in the area, the authority shall treat the applicant as possessing such earnings (if any) as is reasonable for that employment unless the applicant satisfies the authority that the means of that person are insufficient for him to pay or to pay more for the service.

32.10 Paragraph 32.9 shall not apply–

- a. to an applicant who is engaged by a charitable or voluntary organisation or who is a volunteer if the authority is satisfied in any of those cases that it is reasonable for him to provide those services free of charge; or
- b. in a case where the service is performed in connection with–
 - (i) the applicant’s participation in an employment or training programme in accordance with regulation 19(1)(q) of the Jobseeker’s Allowance Regulations, other than where the service is performed in connection with the applicant’s participation in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations or
 - (ii) the applicant’s or the applicant’s partner’s participation in an employment or training programme as defined in regulation 19(3) of those Regulations for which a training allowance is not payable or, where such an allowance is payable, it is payable for the sole purpose of reimbursement of travelling or meal expenses to the person participating in that programme ; or
- c. to an applicant who is participating in a work placement approved by the Secretary of State (or a person providing services to the Secretary of State) before the placement starts.

32.10A In paragraph 32.10 (c) ‘work placement’ means practical work experience which is not undertaken in expectation of payment.

32.11 Where an applicant is treated as possessing any income under any of paragraph 32.1 to (32.8), the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of that income as if a payment has actually been made and as if it were actual income which he does possess.

32.12 Where an applicant is treated as possessing any earnings under paragraph 32.9 the foregoing provisions of this scheme shall apply for the purposes of calculating the amount of those earnings as if a payment had actually been made and as if they were actual earnings which he does possess except that paragraph (3) of section 26 (calculation of net earnings of employed earners) shall not apply and his net earnings shall be calculated by taking into account those earnings which he is treated as possessing, less;

- a. an amount in respect of income tax equivalent to an amount calculated by applying to those earnings the starting rate or, as the case may be, the starting rate and the basic rate or in the case of a Scottish taxpayer, the Scottish basic rate of tax applicable to the assessment period less only the personal relief to which the applicant is entitled under sections 257(1) of the Income and Corporation Taxes Act 1988 (personal allowances) as is appropriate to his circumstances; but, if the assessment period is less than a year, the earnings to which the starting rate of tax is to be applied and the amount of the personal relief deductible under this sub-paragraph shall be calculated on a pro rate basis;
- b. an amount equivalent to the amount of the primary Class 1 contributions that would be payable by him under the Act in respect of those earnings if such contributions were payable; and
- c. one-half of any sum payable by the applicant by way of a contribution towards an occupational or personal pension scheme.

32.13 Paragraphs (32.1), (32.2), (32.6) and (32.9) shall not apply in respect of any amount of income other than earnings, or earnings of an employed earner, arising out of the applicant’s participation as a service user.

Sections 33 – 42 & Schedule 5

Definition and the treatment of capital for Council tax reduction purposes

33.0 Capital limit

33.1 For the purposes of this scheme, the prescribed amount is £6,000 and no support shall be granted when the applicant has an amount greater than this level.

34.0 Calculation of capital

34.1 For the purposes of this scheme, the capital of an applicant to be taken into account shall, subject to paragraph (34.2), be the whole of his capital calculated in accordance with this scheme and any income treated as capital under section 36 (income treated as capital).

34.2 There shall be disregarded from the calculation of an applicant's capital under paragraph (34.1), any capital, where applicable, specified in Schedule 5.

35.0 Disregard of capital of child and young person

35.1 The capital of a child or young person who is a member of the applicant's family shall not be treated as capital of the applicant.

36.0 Income treated as capital.

36.1 Any bounty derived from employment to which paragraph 8 of Schedule 3 applies and paid at intervals of at least one year shall be treated as capital.

36.2 Any amount by way of a refund of income tax deducted from profits or emoluments chargeable to income tax under Schedule D or E shall be treated as capital.

36.3 Any holiday pay which is not earnings under section 25(1)(d) (earnings of employed earners) shall be treated as capital.

36.4 Except any income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28, 47 or 48 of Schedule 5, any income derived from capital shall be treated as capital but only from the date it is normally due to be credited to the applicant's account.

36.5 In the case of employment as an employed earner, any advance of earnings or any loan made by the applicant's employer shall be treated as capital.

36.6 Any charitable or voluntary payment which is not made or due to be made at regular intervals, other than a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the Independent Living Fund (2006) or the London Bombings Charitable Relief Fund, shall be treated as capital.

36.7 There shall be treated as capital the gross receipts of any commercial activity carried on by a person in respect of which assistance is received under the self-employment route, but only in so far as those receipts were payable into a special account during the period in which that person was receiving such assistance.

36.8 Any arrears of subsistence allowance which are paid to an applicant as a lump sum shall be treated as capital.

36.9 Any arrears of working tax credit or child tax credit shall be treated as capital.

37.0 Calculation of capital in the United Kingdom

37.1 Capital which an applicant possesses in the United Kingdom shall be calculated at its current market or surrender value less—

- a. where there would be expenses attributable to the sale, 10 per cent.; and
- b. the amount of any encumbrance secured on it;

38.0 Calculation of capital outside the United Kingdom

38.1 Capital which an applicant possesses in a country outside the United Kingdom shall be calculated;

- a. in a case where there is no prohibition in that country against the transfer to the United Kingdom of an amount equal to its current market or surrender value in that country, at that value.
- b. in a case where there is such a prohibition, at the price which it would realise if sold in the United Kingdom to a willing buyer,
less, where there would be expenses attributable to sale, 10 per cent. and the amount of any encumbrances secured on it.

39.0 Notional capital

39.1 An applicant shall be treated as possessing capital of which he has deprived himself for the purpose of securing entitlement to council tax reduction or increasing the amount of that support except to the extent that that capital is reduced in accordance with section 40 (diminishing notional capital rule).

39.2 Except in the case of

- (a) a discretionary trust; or
- (b) a trust derived from a payment made in consequence of a personal injury; or
- (c) any loan which would be obtained only if secured against capital disregarded under Schedule 5; or
- (d) a personal pension scheme, occupational pension scheme or a payment made by the Board of the Pension Protection Fund; or
- (e) any sum to which paragraph 47(2)(a) of Schedule 5 (capital to be disregarded) applies which is administered in the way referred to in paragraph 47(1)(a); or
- (f) any sum to which paragraph 48(a) of Schedule 5 refers; or
- (g) child tax credit; or
- (h) working tax credit,

any capital which would become available to the applicant upon application being made, but which has not been acquired by him, shall be treated as possessed by him but only from the date on which it could be expected to be acquired were an application made.

39.3 Any payment of capital, other than a payment of capital specified in paragraph (39.4), made;

- (a) to a third party in respect of a single applicant or a member of the family (but not a member of the third party's family) shall, where that payment is a payment of an occupational pension, a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund, be treated as possessed by that single applicant or, as the case may be, by that member;
- (b) to a third party in respect of a single applicant or in respect of a member of the family (but not a member of the third party's family) shall, where it is not a payment referred to in subparagraph (a), be treated as possessed by that single applicant or by that member to the extent that it is used for the food, ordinary clothing or footwear, household fuel or rent of that single applicant or, as the case may be, of any member of that family or is used for any council tax or water charges for which that applicant or member is liable;
- (c) to a single applicant or a member of the family in respect of a third party (but not in respect of another member of that family) shall be treated as possessed by that single applicant or, as the case may be, that member of the family to the extent that it is kept or used by him or used by or on behalf of any member of the family.

39.4 Paragraph 39.3 shall not apply in respect of a payment of capital made;

- (a) under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the London Bombings Relief Charitable Fund;
- (b) pursuant to section 2 of the 1973 Act in respect of a person's participation
 - (i) in an employment programme specified in regulation 75(1)(a)(ii) of the

- Jobseeker’s Allowance Regulations;
 - (ii) in a training scheme specified in regulation 75(1)(b)(ii) of those Regulations;
 - (iii) in the Intense Activity Period specified in regulation 75(1)(a)(iv) of those Regulations;
 - (iv) in a qualifying course within the meaning specified in regulation 17A(7) of those Regulations; or
 - (v) in the Flexible New Deal specified in regulation 75(1)(a)(v) of those Regulations;
- (bb) in respect of a person’s participation in the Mandatory Work Activity Scheme; Enterprise Scheme;
- (bc) in respect of an applicant’s participation in the Employment, Skills and Enterprise Scheme;
- (c) under an occupational pension scheme, in respect of a pension or other periodical payment made under a personal pension scheme or a payment made by the Board of the Pension Protection Fund where–
 - (i) a bankruptcy order has been made in respect of the person in respect of whom the payment has been made or, in Scotland, the estate of that person is subject to sequestration, or a judicial factor has been appointed on that person’s estate under section 41 of the Solicitors (Scotland) Act 1980;
 - (ii) the payment is made to the trustee in bankruptcy or any other person acting on behalf of the creditors; and
 - (iii) the person referred to in (i) and any member of his family does not possess, or is not treated as possessing, any other income apart from that payment.

39.5 Where an applicant stands in relation to a company in a position analogous to that of a sole owner or partner in the business of that company, he may be treated as if he were such sole owner or partner and in such a case;

- a. the value of his holding in that company shall, notwithstanding section 34 (calculation of capital) be disregarded; and
- b. he shall, subject to paragraph 39.6, be treated as possessing an amount of capital equal to the value or, as the case may be, his share of the value of the capital of that company and the foregoing provisions of this Section shall apply for the purposes of calculating that amount as if it were actual capital which he does possess.

39.6 For so long as the applicant undertakes activities in the course of the business of the company, the amount which, he is treated as possessing under paragraph 39.5 shall be disregarded.

39.7 Where an applicant is treated as possessing capital under any of paragraphs 39.1 to 39.2 the foregoing provisions of this Section shall apply for the purposes of calculating its amount as if it were actual capital, which he does possess.

40.0 Diminishing notional capital rule.

40.1 Where an applicant is treated as possessing capital under section 39.1 (notional capital), the amount which he is treated as possessing;

- a. in the case of a week that is subsequent to
 - (i) the relevant week in respect of which the conditions set out in paragraph 40.2 are satisfied; or
 - (ii) a week which follows that relevant week, and which satisfies those conditions, shall be reduced by an amount determined under paragraph 40.3;
- b. in the case of a week in respect of which paragraph 40.1(a) does not apply but where
 - (i) that week is a week subsequent to the relevant week; and
 - (ii) that relevant week is a week in which the condition in paragraph 40.4 is satisfied, shall be reduced by the amount determined under paragraph 40.4.

40.2 This paragraph applies to a reduction week or part-week where the applicant satisfies the conditions that;

- a. he is in receipt of council tax reduction; and

- b. but for paragraph 39.1, he would have received an additional amount of council tax reduction in that week.

40.3 In a case to which paragraph 40.2 applies, the amount of the reduction for the purposes of paragraph 40.1(a) shall be equal to the aggregate of

- a. the additional amount to which sub-paragraph 40.2 (b) refers;
- b. where the applicant has also claimed housing benefit, the amount of any housing benefit or any additional amount of that benefit to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 49(1) of the Housing Benefit Regulations 2006 (notional capital);
- c. where the applicant has also claimed income support, the amount of income support to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 51(1) of the Income Support Regulations (notional capital);
- d. where the applicant has also claimed a jobseeker's allowance, the amount of an income-based jobseeker's allowance to which he would have been entitled in respect of the whole or part of the reduction week to which paragraph 40.2 refers but for the application of regulation 113 of the Jobseeker's Allowance Regulations 1996 (notional capital) and
- e. where the applicant has also claimed an employment and support allowance, the amount of an income-related employment and support allowance to which he would have been entitled in respect of the whole or part of reduction week to which paragraph 40.2 refers but for the application of regulation 115 of the Employment and Support Allowance Regulations 2008 (notional capital).

40.4 Subject to paragraph 40.5, for the purposes of paragraph 40.1(b) the condition is that the applicant would have been entitled to council tax reduction in the relevant week but for paragraph 39.1, and in such a case the amount of the reduction shall be equal to the aggregate of

- a. the amount of council tax reduction to which the applicant would have been entitled in the relevant week but for paragraph 39.1; and for the purposes of this sub-paragraph is the amount is in respect of a part-week, that amount shall be determined by dividing the amount of council tax reduction to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7;
- b. if the applicant would, but for regulation 49(1) of the Housing Benefit Regulations, have been entitled to housing benefit or to an additional amount of housing benefit in respect of the reduction week which includes the last day of the relevant week, the amount which is equal to—
 - (i) in a case where no housing benefit is payable, the amount to which he would have been entitled; or
 - (ii) in any other case, the amount equal to the additional amount of housing benefit to which he would have been entitled,and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of housing benefit to which he would have been so entitled by the number equal to that number of days in the part-week and multiplying the quotient so obtained by 7;
- c. if the applicant would, but for regulation 51(1) of the Income Support Regulations, have been entitled to income support in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations, which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income support to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7
- d. if the applicant would, but for regulation 113 of the Jobseeker's Allowance Regulations 1996, have been entitled to an income-based jobseeker's allowance in respect of the reduction week, within the meaning of this scheme, which includes the last day of the

relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount shall be determined by dividing the amount of the income-based jobseeker's allowance to which he would have been so entitled by the number equal to the number of days in the part-week and multiplying the quotient so obtained by 7; and

- e. if the applicant would, but for regulation 115 of the Employment and Support Allowance Regulations 2008, have been entitled to an income-related employment and support allowance in respect of the reduction week, within the meaning of regulation 2(1) of those Regulations (interpretation), which includes the last day of the relevant week, the amount to which he would have been entitled and, for the purposes of this sub-paragraph, if the amount is in respect of a part-week, that amount must be determined by dividing the amount of the income-related employment and support allowance to which he would have been so entitled by the number equal to the number of days in that part-week and multiplying the quotient so obtained by 7.

40.5 The amount determined under paragraph 40.4 shall be re-determined under that paragraph if the applicant makes a further claim for council tax reduction and the conditions in paragraph 40.6 are satisfied, and in such a case—

- a. sub-paragraphs (a) to (d) of paragraph 40.4 shall apply as if for the words 'relevant week' there were substituted the words 'relevant subsequent week'; and
- b. subject to paragraph 40.7, the amount as re-determined shall have effect from the first week following the relevant subsequent week in question.

40.6 The conditions are that;

- a. a further claim is made 26 or more weeks after
 - (i) the date on which the applicant made a claim for council tax reduction in respect of which he was first treated as possessing the capital in question under paragraph 39.1;
 - (ii) in a case where there has been at least one re-determination in accordance with paragraph 40.5, the date on which he last made a claim for council tax reduction which resulted in the weekly amount being re-determined, or
 - (iii) the date on which he last ceased to be entitled to council tax reduction, whichever last occurred; and
- b. the applicant would have been entitled to council tax reduction but for paragraph 39.1.

40.7 The amount as re-determined pursuant to paragraph 40.5 shall not have effect if it is less than the amount which applied in that case immediately before the re-determination and in such a case the higher amount shall continue to have effect.

40.8 For the purposes of this section

- a. 'part-week'
 - (i) in paragraph 40.4(a) means a period of less than a week for which council tax reduction is allowed;
 - (ii) in paragraph 40.4(b) means a period of less than a week for which housing benefit is payable;
 - (iii) in paragraph 40.4 (c),(d) and (e) means—
- aa. a period of less than a week which is the whole period for which income support, an income-related employment and support allowance or, as the case may be, an income-based jobseeker's allowance is payable; and
- bb. any other period of less than a week for which it is payable;
- b. 'relevant week' means the reduction week or part-week in which the capital in question of which the applicant has deprived himself within the meaning of section 39.1
 - (i) was first taken into account for the purpose of determining his entitlement to council tax reduction; or
 - (ii) was taken into account on a subsequent occasion for the purpose of determining or re-determining his entitlement to council tax reduction on that subsequent occasion and that determination or re-determination resulted in his beginning to receive, or ceasing to receive, council tax reduction;

and where more than one reduction week is identified by reference to heads (i) and (ii) of this sub-paragraph the later or latest such reduction week or, as the case may be, the later or latest such part-week;

- c. 'relevant subsequent week' means the reduction week or part-week which includes the day on which the further claim or, if more than one further claim has been made, the last such claim was made.

41.0 Capital jointly held.

41.1 Except where an applicant possesses capital which is disregarded under paragraph 39(5) (notional capital) where an applicant and one or more persons are beneficially entitled in possession to any capital asset they shall be treated, in the absence of evidence to the contrary, as if each of them were entitled in possession to the whole beneficial interest therein in an equal share and the foregoing provisions of this Section shall apply for the purposes of calculating the amount of capital which the applicant is treated as possessing as if it were actual capital which the applicant does possess

42.0 Not Used

Sections 43 - 56

Definition and the treatment of students for Council tax reduction purposes¹⁶

¹⁶ Amounts shown in sections 43 to 56 will be updated in line with the Housing Benefit Regulations 2006 (as amended)

43.0 Student related definitions

43.1 In this scheme the following definitions apply;

'academic year' means the period of twelve months beginning on 1st January, 1st April, 1st July or 1st September according to whether the course in question begins in the winter, the spring, the summer or the autumn respectively but if students are required to begin attending the course during August or September and to continue attending through the autumn, the academic year of the course shall be considered to begin in the autumn rather than the summer;

'access funds' means;

- a. grants made under section 68 of the Further and Higher Education Act 1992 for the purpose of providing funds on a discretionary basis to be paid to students;
- b. grants made under section 73(a) and (c) and 74(1) of the Education (Scotland) Act 1980;
- c. grants made under Article 30 of the Education and Libraries (Northern Ireland) Order 1993 or grants, loans or other payments made under Article 5 of the Further Education (Northern Ireland) Order 1997 in each case being grants, or grants, loans or other payments as the case may be, for the purpose of assisting students in financial difficulties;
- d. discretionary payments, known as "learner support funds", which are made available to students in further education by institutions out of funds provided by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding under sections 100 and 101 of the Apprenticeships, Skills, Children and Learning Act 2009; or
- e. Financial Contingency Funds made available by the Welsh Ministers;

'college of further education' means a college of further education within the meaning of Part 1 of the Further and Higher Education (Scotland) Act 1992;

'contribution' means;

- a. any contribution in respect of the income of a student or any person which the Secretary of State, the Scottish Ministers or an education authority takes into account in ascertaining the amount of a student's grant or student loan; or
- b. any sums, which in determining the amount of a student's allowance or bursary in Scotland under the Education (Scotland) Act 1980, the Scottish Ministers or education authority takes into account being sums which the Scottish Ministers or education authority consider that it is reasonable for the following person to contribute towards the holder's expenses;
 - (i) the holder of the allowance or bursary;
 - (ii) the holder's parents;
 - (iii) the holder's parent's spouse, civil partner or a person ordinarily living with the holder's parent as if he or she were the spouse or civil partner of that parent; or
 - (iv) the holder's spouse or civil partner;

'course of study' means any course of study, whether or not it is a sandwich course and whether or not a grant is made for attending or undertaking it;

'covenant income' means the gross income payable to a full-time student under a Deed of Covenant by his parent;

'education authority' means a government department, a local authority as defined in section 579 of the Education Act 1996 (interpretation), a local education authority as defined in section 123 of the Local Government (Scotland) Act 1973, an education and library board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986, any body which is a research council for the purposes of the Science and Technology Act 1965 or any analogous government department, authority, board or body, of the Channel Islands, Isle of Man or any other country outside Great Britain;

'full-time course of study' means a full time course of study which;

- a. is not funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers or a full-time course of study which is not funded in whole or in part by the Scottish Ministers

- at a college of further education or a full-time course of study which is a course of higher education and is funded in whole or in part by the Scottish Ministers;
- b. is funded in whole or in part by the Secretary of State under section 14 of the Education Act 2002, the Chief Executive of Skills Funding or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Secretary of State under section 14 of the Education Act 2002 or the Chief Executive of Skills Funding, in the student’s learning agreement signed on behalf of the establishment which is funded by either of those persons for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
 - c. is not higher education and is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 hours per week, according to the number of hours set out in a document signed on behalf of the college;

‘full-time student’ means a person attending or undertaking a full-time course of study and includes a student on a sandwich course;

‘grant’ (except in the definition of ‘access funds’) means any kind of educational grant or award and includes any scholarship, studentship, exhibition allowance or bursary but does not include a payment from access funds or any payment to which paragraph 12 of Schedule 4 or paragraph 53 of Schedule 5 applies;

‘grant income’ means;

- (a) any income by way of a grant;
- (b) any contribution whether or not it is paid;

‘higher education’ means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992;

‘last day of the course’ means;

- a. in the case of a qualifying course, the date on which the last day of that course falls or the date on which the final examination relating to that course is completed, whichever is the later;
- b. in any other case, the date on which the last day of the final academic term falls in respect of the course in which the student is enrolled;

‘period of study’ means—

- a. in the case of a course of study for one year or less, the period beginning with the start of the course and ending with the last day of the course;
- b. in the case of a course of study for more than one year, in the first or, as the case may be, any subsequent year of the course, other than the final year of the course, the period beginning with the start of the course or, as the case may be, the year’s start and ending with either—
 - (i) the day before the start of the next year of the course in a case where the student’s grant or loan is assessed at a rate appropriate to his studying throughout the year, or, if he does not have a grant or loan, where a loan would have been assessed at such a rate had he had one; or
 - (ii) in any other case, the day before the start of the normal summer vacation appropriate to his course;
- c. in the final year of a course of study of more than one year, the period beginning with that year’s start and ending with the last day of the course;

‘periods of experience’ means periods of work experience which form part of a sandwich course;

‘qualifying course’ means a qualifying course as defined for the purposes of Parts 2 and 4 of the Jobseeker’s Allowance Regulations;

‘modular course’ means a course of study which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course.

‘sandwich course’ has the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2008, regulation 4(2) of the Education (Student Loans), (Scotland), Regulations 2007 or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007, as the case may be;

‘standard maintenance grant’ means–

- a. except where paragraph (b) or (c) applies, in the case of a student attending or undertaking a course of study at the University of London or an establishment within the area comprising the City of London and the Metropolitan Police District, the amount specified for the time being in paragraph 2(2)(a) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (‘the 2003 Regulations’) for such a student;
- b. except where paragraph (c) applies, in the case of a student residing at his parent’s home, the amount specified in paragraph 3 thereof;
- c. in the case of a student receiving an allowance or bursary under the Education (Scotland) Act 1980, the amount of money specified as ‘standard maintenance allowance’ for the relevant year appropriate for the student set out in the Student Support in Scotland Guide issued by the student Awards Agency for Scotland, or its nearest equivalent in the case of a bursary provided by a college of further education or a local education authority;
- d. in any other case, the amount specified in paragraph 2(2) of Schedule 2 to the 2003 Regulations other than in sub-paragraph (a) or (b) thereof;

‘student’ means a person, other than a person in receipt of a training allowance, who is attending or undertaking–

- a. a course of study at an educational establishment; or
- b. a qualifying course;

‘student’ loan’ means a loan towards a student’s maintenance pursuant to any regulations made under section 22 of the Teaching and Higher Education Act 1998, section 73 of the Education (Scotland) Act 1980 or Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 and shall include, in Scotland, a young student’s bursary paid under regulation 4(1)(c) of the Student’s Allowances (Scotland) Regulations 2007

43.2 For the purposes of the definition of ‘full-time student’, a person shall be regarded as attending or, as the case may be, undertaking a full-time course of study or as being on a sandwich course;

- a. in the case of a person attending or undertaking a part of a modular course which would be a full-time course of study for the purposes of this Part, for the period beginning on the day on which that part of the course starts and ending;
 - (i) on the last day on which he is registered with the educational establishment as attending or undertaking that part as a full-time course of study; or
 - (ii) on such earlier date (if any) as he finally abandons the course or is dismissed from it;
- b. in any other case, throughout the period beginning on the date on which he starts attending or undertaking the course and ending on the last day of the course or on such earlier date (if any) as he finally abandons it or is dismissed from it.

43.3 For the purposes of sub-paragraph (a) of paragraph 43.2, the period referred to in that sub-paragraph shall include;

- a. where a person has failed examinations or has failed to successfully complete a module relating to a period when he was attending or undertaking a part of the course as a full-time course of study, any period in respect of which he attends or undertakes the course for the purpose of retaking those examinations or that module;
- b. any period of vacation within the period specified in that paragraph or immediately following that period except where the person has registered with the educational establishment to attend or undertake the final module in the course and the vacation immediately follows the last day on which he is required to attend or undertake the course.

44.0 Treatment of students

44.1 The following sections relate to students who claim Council tax reduction.

45.0 Students who are excluded from entitlement to council tax reduction.

45.1 Students (except those specified in paragraph 45.3) are not able to claim Council tax reduction under Classes D and E of the Council's reduction scheme.

45.2 To be eligible for support, the student must be liable for Council Tax under Section 6 of the Local Government Finance Act 1992, and they must not be deemed to be a full time student or a persons from abroad within the meaning of section 7 of this scheme (persons from aboard).

45.3 Paragraph 45.2 shall not apply to a student;

(a) who is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance;

(b) who is a lone parent;

(c) whose applicable amount would, but for this section, include the disability premium or severe disability premium;

(d) whose applicable amount would include the disability premium but for his being treated as capable of work by virtue of a determination made in accordance with regulations made under section 171E of the Act;

(e) who is, or is treated as, incapable of work and has been so incapable, or has been so treated as incapable, of work in accordance with the provisions of, and regulations made under, Part 12A of the Act (incapacity for work) for a continuous period of not less than 196 days; and for this purpose, any two or more separate periods separated by a break of not more than 56 days shall be treated as one continuous period;

(f) who has, or is treated as having, limited capability for work and has had, or been treated as having, limited capability for work in accordance with the Employment and Support Allowance Regulations for a continuous period of not less than 196 days, and for this purpose any two or more separate periods separated by a break of not more than 84 days must be treated as one continuous period.

(g) who has a partner who is also a full-time student, if he or that partner is treated as responsible for a child or young person;

(h) who is a single applicant with whom a child is placed by a local authority or voluntary organisation within the meaning of the Children Act 1989, or, in Scotland, boarded out within the meaning of the Social Work (Scotland) Act 1968;

(i) who is;

(i) aged under 21 and whose course of study is not a course of higher education, or

(ii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);

(j) in respect of whom

i) a supplementary requirement has been determined under paragraph 9 of Part 2 of Schedule 2 to the Education (Mandatory Awards) Regulations 2003;

(ii) an allowance, or as the case may be, bursary has been granted which includes a sum under paragraph (1)(d) or regulation 4 of the Students' Allowances (Scotland) Regulations 1999 or, as the case may be, under paragraph (1)(d) of regulation 4 of the Education Authority (Bursaries) (Scotland) Regulations 1995, in respect of expenses incurred;

(iii) a payment has been made under section 2 of the Education Act 1962 or under or by virtue of regulations made under the Teaching and Higher Education Act 1998;

(iv) a grant has been made under regulation 13 of the Education (Student Support) Regulations 2005 or under regulation 13 of the Education (Student Support) Regulations (Northern Ireland) 2000; or

(v) a supplementary requirement has been determined under paragraph 9 of

Schedule 6 to the Students Awards Regulations (Northern Ireland) 1999 or a payment has been made under Article 50(3) of the Education and Libraries (Northern Ireland) Order 1986,

on account of his disability by reason of deafness.

45.3A For the purposes of paragraph 45.3(h)(i) the student must have begun, or been enrolled or accepted onto the course before attaining the age of 19

45.4 For the purposes of paragraph 45.3, once paragraph 45.3(e) applies to a full-time student, if he then ceases, for a period of 56 days or less, to be incapable, or to be treated as incapable, of work, that paragraph shall, on his again becoming so incapable, or so treated as incapable, of work at the end of that period, immediately thereafter apply to him for so long as he remains incapable or is treated as remaining incapable, of work.

45.5 In paragraph 45.3(h) the reference to a course of higher education is a reference to a course of any description mentioned in Schedule 6 to the Education Reform Act 1988.

45.6 A full-time student to whom sub-paragraph (i) of paragraph 45.3 applies, shall be treated as satisfying that sub-paragraph from the date on which he made a request for the supplementary requirement, allowance, bursary or payment as the case may be.

45.7 Paragraph 45.2 shall not apply to a full-time student for the period specified in paragraph 45.8 if;

- (a) at any time during an academic year, with the consent of the relevant educational establishment, he ceases to attend or undertake a course because he is;
 - (i) engaged in caring for another person; or
 - (ii) ill;
- (b) he has subsequently ceased to be engaged in engaging in caring for that person or, as the case may be, he has subsequently recovered from that illness; and
- (c) he is not eligible for a grant or a student loan in respect of the period specified in paragraph 45.8.

45.8 The period specified for the purposes of paragraph 45.7 is the period, not exceeding one year, beginning on the day on which he ceased to be engaged in caring for that person or, as the case may be, the day on which he recovered from that illness and ending on the day before;

- (a) the day on which he resumes attending or undertaking the course; or
 - (b) the day from which the relevant educational establishment has agreed that he may resume attending or undertaking the course,
- which shall first occur.

46.0 Calculation of grant income

46.1 The amount of a student's grant income to be taken into account shall, subject to paragraphs 46.2 and 46.3, be the whole of his grant income.

46.2 There shall be excluded from a student's grant income any payment;

- (a) intended to meet tuition fees or examination fees;
- (b) in respect of the student's disability;
- (c) intended to meet additional expenditure connected with term time residential study away from the student's educational establishment;
- (d) on account of the student maintaining a home at a place other than that at which he resides during his course;
- (e) on account of any other person but only if that person is residing outside of the United Kingdom and there is no applicable amount in respect of him;

- (f) intended to meet the cost of books and equipment;
- (g) intended to meet travel expenses incurred as a result of his attendance on the course;
- (h) intended for the child care costs of a child dependant.
- (i) of higher education bursary for care leavers made under Part III of the Children Act 1989.

46.3 Where a student does not have a student loan and is not treated as possessing such a loan, there shall be excluded from the student's grant income;

(a) the sum of £303 per academic year in respect of travel costs; and

(b) the sum of £390 per academic year towards the costs of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

46.4 There shall also be excluded from a student's grant income the grant for dependants known as the parents' learning allowance paid pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 or section 22 of the Teaching and Higher Education Act 1998.

46.5 Subject to paragraphs 46.6 and 46.7, a student's grant income shall be apportioned;

(a) subject to paragraph 46.8, in a case where it is attributable to the period of study, equally between the weeks in that period beginning with the reduction week, the first day of which coincides with, or immediately follows the first day of the period of study and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study;

(b) in any other case, equally between the weeks in the period beginning with the reduction week, the first day of which coincides with, or immediately follows, the first day of the period for which it is payable and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period for which it is payable.

46.6 Any grant in respect of dependants paid under section 63(6) of the Health Services and Public Health Act 1968 (grants in respect of the provision of instruction to officers of hospital authorities) and any amount intended for the maintenance of dependants under Part 3 of Schedule 2 to the Education (Mandatory Awards) Regulations 2004 shall be apportioned equally over the period of 52 weeks or, if there are 53 reduction weeks (including part-weeks) in the year, 53.

46.7 In a case where a student is in receipt of a student loan or where he could have acquired a student loan by taking reasonable steps but had not done so, any amount intended for the maintenance of dependants to which neither paragraph 46.6 nor section 50 (other amounts to be disregarded) apply, shall be apportioned over the same period as the student's loan is apportioned or, as the case may be, would have been apportioned.

46.8 In the case if a student on a sandwich course, any periods of experience within the period of study shall be excluded and the student's grant income shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which immediately follows the last day of the period of experience and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the period of study.

47.0 Calculation of covenant income where a contribution is assessed.

47.1 Where a student is in receipt of income by way of a grant during a period of study and a contribution has been assessed, the amount of his covenant income to be taken into account for that period and any summer vacation immediately following shall be the whole amount of the covenant income less, subject to paragraph 47.3, the amount of the contribution.

- 47.2 The weekly amount of the student's covenant shall be determined—
- (a) by dividing the amount of income which falls to be taken into account under paragraph 47.1 by 52 or 53, whichever is reasonable in the circumstances; and
 - (b) by disregarding from the resulting amount, £5.

47.3 For the purposes of paragraph 47.1, the contribution shall be treated as increased by the amount (if any) by which the amount excluded under paragraph 46.2(g) (calculation of grant income) falls short of the amount specified in paragraph 7(2) of Schedule 2 to the Education (Mandatory Awards) Regulations 2003 (travel expenditure).

48.0 Covenant income where no grant income or no contribution is assessed.

48.1 Where a student is not in receipt of income by way of a grant the amount of his covenant income shall be calculated as follows;

- (a) any sums intended for any expenditure specified in paragraph 46.2 (a) to (e) (calculation of grant income) necessary as a result of his attendance on the course shall be disregarded;
- (b) any covenant income, up to the amount of the standard maintenance grant, which is not so disregarded, shall be apportioned equally between the weeks of the period of study;
- (c) there shall be disregarded from the amount so apportioned the amount which would have been disregarded under paragraph 46.2(f) and 46.3 (calculation of grant income) had the student been in receipt of the standard maintenance grant; and
- (d) the balance, if any, shall be divided by 52 or 53 whichever is reasonable in the circumstances and treated as weekly income of which £5 shall be disregarded.

48.2 Where a student is in receipt of income by way of a grant and no contribution has been assessed, the amount of his covenanted income shall be calculated in accordance with sub-paragraphs (a) to (d) of paragraph 48.1, except that;

- (a) the value of the standard maintenance grant shall be abated by the amount of such grant income less an amount equal to the amount of any sums disregarded under paragraph 46.2 (a) to (e); and
- (b) the amount to be disregarded under paragraph 48.1(c) shall be abated by an amount equal to the amount of any sums disregarded under paragraph 46.2(f) and (g) and 46.3.

49.0 Student Covenant Income and Grant income – non disregard

49.1 No part of a student's covenant income or grant income shall be disregarded under paragraph 15 of Schedule 4 to this scheme.

50.0 Other amounts to be disregarded.

50.1 For the purposes of ascertaining income other than grant income, covenant income and loans treated as income in accordance with section 51, any amounts intended for any expenditure specified in paragraph 46.2 (calculation of grant income), necessary as a result of his attendance on the course shall be disregarded but only if, and to the extent that, the necessary expenditure exceeds or is likely to exceed the amount of the sums disregarded under paragraphs 46.2 or 46.3, 47.3, 48.1(a) or (c) or 51.5 (calculation of grant income, covenant income and treatment of student loans) on like expenditure.

51.0 Treatment of student loans

51.1 A student loan shall be treated as income.

51.2 In calculating the weekly amount of the loan to be taken into account as income;

- (a) in respect of a course that is of a single academic year's duration or less, a loan which is payable in respect of that period shall be apportioned equally between the weeks in the period beginning with;

- (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with, or immediately follows, the first day of the single academic year;
 - (ii) where the student is required to start attending the course in August or where the course is less than an academic year's duration, the reduction week, the first day of which coincides with, or immediately follows, the first day of the course, and ending with the reduction week, the last day of which coincides with, or immediately precedes with last day of the course,
- (b) in respect of an academic year of a course which starts other than on 1st September, a loan which is payable in respect of that academic year shall be apportioned equally between the weeks in the period beginning with the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year and ending with the reduction week, the last day of which coincides with or immediately precedes, the last day of that academic year but excluding any reduction weeks falling entirely within the quarter during which, in the opinion of the Secretary of State, the longest of any vacation is taken and for the purposes of this sub-paragraph, 'quarter' shall have the same meaning as for the purposes of the Education (Student Support) Regulations 2005;
- (c) in respect of the final academic year of a course (not being a course of a single year's duration), a loan which is payable in respect of that final academic year shall be apportioned equally between the weeks in the period beginning with;
- (i) except in a case where (ii) applies, the reduction week, the first day of which coincides with or immediately follows, the first day of that academic year;
 - (ii) where the final academic year starts on 1st September, the reduction week, the first day of which coincide with, or immediately follows, the earlier of 1st September or the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of the course;
- (d) in any other case, the loan shall be apportioned equally between the weeks in the period beginning with the earlier of;
- (i) the first day of the first reduction week in September; or
 - (ii) the reduction week, the first day of which coincides with, or immediately follows the first day of the autumn term, and ending with the reduction week, the last day of which coincides with, or immediately precedes, the last day of June,
- and, in all cases, from the weekly amount so apportioned there shall be disregarded £10.

51.3 A student shall be treated as possessing a student loan in respect of an academic year where;

- (a) a student loan has been made to him in respect of that year; or
- (b) he could acquire such a loan in respect of that year by taking reasonable steps to do so.

51.4 Where a student is treated as possessing a student loan under paragraph 51.3, the amount of the student loan to be taken into account as income shall be, subject to paragraph 51.5;

- (a) in the case of a student to whom a student loan is made in respect of an academic year, a sum equal to
 - (i) the maximum student loan he is able to acquire in respect of that year by taking reasonable steps to do so; and
 - (ii) any contribution whether or not it has been paid to him;
- (b) in the case of a student to whom a student loan is not made in respect of an academic year, the maximum student loan that would be made to the student if;
 - (i) he took all reasonable steps to obtain the maximum student loan he is able to acquire in respect of that year; and
 - (ii) no deduction in that loan was made by virtue of the application of a means test.

- 51.5 There shall be deducted from the amount of income taken into account under paragraph 51.4;
- (a) the sum of £303 per academic year in respect of travel costs; and
 - (b) the sum of £390 per academic year towards the cost of books and equipment, whether or not any such costs are incurred.

The above figures will be increased annually in line with the Housing Benefit Regulations 2006 (as amended).

51A.0 Treatment of fee loans

- 51A. 1A loan for fees, known as a fee loan or a fee contribution loan, made pursuant to regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998, section 22 of the Teaching and Higher Education Act 1998 or section 73(f) of the Education (Scotland) Act 1980, shall be disregarded as income.

52.0 Treatment of payments from access funds

- 52.1 This paragraph applies to payments from access funds that are not payments to which paragraph 55.2 or 55.3 (income treated as capital) applies.

- 52.2 A payment from access funds, other than a payment to which paragraph 52.3 applies, shall be disregarded as income.

- 52.3 Subject to paragraph 52.4 of this section and paragraph 35 of Schedule 4,
- a) any payments from access funds which are intended and used for an item of food, ordinary clothing or footwear, household fuel, or rent of a single applicant or, as the case may be, of the applicant or any other member of his family and
 - b) any payments from access funds which are used for any council tax or water charges for which that applicant or member is liable, shall be disregarded as income to the extent of £20 per week.

- 52.4 Where a payment from access funds is made—
- (a) on or after 1st September or the first day of the course, whichever first occurs, but before receipt of any student loan in respect of that year and that payment is intended for the purpose of bridging the period until receipt of the student loan; or
 - (b) before the first day of the course to a person in anticipation of that person becoming a student,
- that payment shall be disregarded as income.

53.0 Disregard of contribution

- 53.1 Where the applicant or his partner is a student and for the purposes of assessing a contribution to the student's grant or student loan, the other partner's income has been taken into account, an amount equal to that contribution shall be disregarded for the purposes of assessing that other partner's income.

54.0 Further disregard of student's income

- 54.1 Where any part of a student's income has already been taken into account for the purpose of assessing his entitlement to a grant or student loan, the amount taken into account shall be disregarded in assessing that student's income.

55.0 Income treated as capital.

- 55.1 Any amount by way of a refund of tax deducted from a student's covenant income shall be treated as capital.

55.2 Any amount paid from access funds as a single lump sum shall be treated as capital.

55.3 An amount paid from access fund as a single lump sum which is intended and used for an item other than food, ordinary clothing or footwear, household fuel or rent, or which is used for an item other than any council tax or water charges for which that applicant or member is liable, shall be disregarded as capital but only for a period of 52 weeks from the date of the payment.

56.0 Disregard of changes occurring during summer vacation

56.1 In calculating a student's income the authority shall disregard any change in the standard maintenance grant, occurring in the recognised summer vacation appropriate to the student's course if that vacation does not form part of his period of study from the date on which the change occurred to the end of that vacation.

Sections 57 – 63

The calculation and amount of Council tax reduction

57.0 Maximum council tax reduction

Subject to paragraphs 57.2 to 57.4, the amount of a person's maximum council tax support in respect of a day for which he is liable to pay council tax, shall be 80 per cent, of the amount A/B where;

- (a) A is the **lower** of either;
 - i. amount set by the appropriate authority as the council tax for the relevant financial year in respect of the dwelling in which he is a resident and for which he is liable, subject to any discount which may be appropriate to that dwelling under the 1992 Act; or
 - ii. the amount set by the appropriate authority as the council tax for the relevant financial year in respect of a dwelling within Band D subject to any discount which may be appropriate to the person's circumstances; and
- (b) B is the number of days in that financial year,

less any deductions in respect of non-dependants which fall to be made under section 58 (non-dependant deductions).

57.2 In calculating a person's maximum council tax reduction any reduction in the amount that person is liable to pay in respect of council tax, which is made in consequence of any enactment in, or made under, the 1992 Act, shall be taken into account.

57.3 Subject to paragraph 57.4, where an applicant is jointly and severally liable for council tax in respect of a dwelling in which he is resident with one or more other persons but excepting any person so residing with the applicant who is a student to whom paragraph 45.2 (students who are excluded from entitlement to council tax reduction) applies, in determining the maximum council tax reduction in his case in accordance with paragraph 57.1, the amount A shall be divided by the number of persons who are jointly and severally liable for that tax.

57.4 Where an applicant is jointly and severally liable for council tax in respect of a dwelling with only his partner, paragraph 57.3 shall not apply in his case.

58.0 Non-dependant deductions

58.1 Subject to the following provisions of this paragraph, the non-dependant deductions in respect of a day referred to in section 57 (maximum council tax reduction) shall be;

- (a) in respect of a non-dependant aged 18 or over in remunerative work, £10.00 x 1/7;
- (b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply, £10.00 x 1/7.

58.2 In the case of a non-dependant aged 18 or over to whom paragraph 58.1(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is—

- (a) less than £195.00, the deduction to be made under this paragraph shall be that specified in paragraph 58.1(b);
- (b) not less than £195.00, but less than £338.00, the deduction to be made under this section shall be £10.00;
- (c) not less than £338.00, but less than £420.00, the deduction to be made under this section shall be £10.00;

58.3 Only one deduction shall be made under this section in respect of a couple or, as the case may be, members of a polygamous marriage and, where, but for this paragraph, the amount that would fall to be deducted in respect of one member of a couple or polygamous marriage is higher than the amount (if any) that would fall to be deducted in respect of the other, or any other, member, the higher amount shall be deducted.

58.4 In applying the provisions of paragraph 58.2 in the case of a couple or, as the case may be a

polygamous marriage, regard shall be had, for the purpose of that paragraph, to the couple's or, as the case may be, all members of the polygamous marriage's joint weekly gross income.

- 58.5 Where in respect of a day–
- (a) a person is a resident in a dwelling but is not himself liable for council tax in respect of that dwelling and that day;
 - (b) other residents in that dwelling (the liable persons) have joint and several liability for council tax in respect of that dwelling and that day otherwise than by virtue of section 9 or 77 or 77A of the 1992 Act (liability of spouses and civil partners); and
 - (c) the person to whom sub-paragraph (a) refers is a non-dependant of two or more of the liable persons, the deduction in respect of that non-dependant shall be apportioned equally between those liable persons.
- 58.6 No deduction shall be made in respect of any non-dependants occupying an applicant's dwelling if the applicant or his partner is–
- (a) blind or treated as blind by virtue of paragraph 9 of Schedule 1 (additional condition for the disability premium); or
 - (b) receiving in respect of himself
 - (i) attendance allowance, or would be receiving that allowance but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (ii) the care component of the disability living allowance, or would be receiving that component but for
 - (aa) a suspension of benefit in accordance with regulations under section 113(2) of The Act; or
 - (bb) an abatement as a result of hospitalisation; or
 - (c) the daily living component of personal independence payment, or would be receiving that allowance but for a suspension of benefit in accordance with regulations under section 86 of the Welfare Reform Act 2012 (hospital in-patients);
 - (d) an AFIP or would be receiving that payment but for a suspension of it in accordance with any terms of the armed and reserve forces compensation scheme which allows for a suspension because a person is undergoing medical treatment in a hospital or similar institution.
- 58.7 No deduction shall be made in respect of a non-dependant if;
- (a) although he resides with the applicant, it appears to the authority that his normal home is elsewhere; or
 - (b) he is in receipt of a training allowance paid in connection with a youth training established under section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) he is a full time student within the meaning of section 44.0 (Students); or
 - (d) he is not residing with the applicant because he has been a patient for a period of excess of 52 weeks, and for these purposes;
 - (i) 'patient' has the meaning given within this scheme, and
 - (ii) where a person has been a patient for two or more distinct periods separated by one or more intervals each not exceeding 28 days, he shall be treated as having been a patient continuously for a period equal in duration to the total of those distinct periods.
 - (e) he is not residing with the claimant because he is a member of the armed forces away on operations
- 58.8 No deduction shall be made in respect of a non-dependant;
- (a) who is on income support, state pension credit, an income-based jobseeker's allowance or an income-related employment and support allowance;

- (b) to whom Schedule 1 of the 1992 Act applies (persons disregarded for purposes of discount) but this sub-paragraph shall not apply to a non-dependant who is a student to whom paragraph 4 of that Schedule refers;
- (c) who is entitled to an award of universal credit where the award is calculated on the basis that the person does not have any earned income.”;
For the purposes of sub-paragraph (c), “earned income” has the meaning given in regulation 52 of the Universal Credit Regulations 2013

- 58.9 In the application of paragraph 58.2 there shall be disregarded from his weekly gross income–
- (a) any attendance allowance, disability living allowance or personal independence payment or an AFIP received by him;
 - (b) any payment made under or by the Trusts, the Fund, the Eileen Trust , MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006) which had his income fallen to be calculated under section 30 (calculation of income other than earnings) would have been disregarded under paragraph 24 of Schedule 4 (income in kind); and
 - (c) any payment which had his income fallen to be calculated under section 30 would have been disregarded under paragraph 36 of Schedule 4 (payments made under certain trusts and certain other payments).

59.0 Council tax reduction taper (applies to persons defined within Class E)

- 59.1 The prescribed daily percentage for the purpose of calculating support as a percentage of excess of income over the applicable amount, which is deducted from maximum council tax reduction, shall be 2 6/7 per cent. Where an applicant’s income exceeds their applicable amount, their council tax reduction shall be calculated by deducting their excess income multiplied by the taper from their maximum council tax reduction as defined within section 57 of this scheme.

60.0 Extended reductions

- 60.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction where;

- (a) the applicant or the applicant’s partner was entitled to a qualifying income- related benefit;
- (b) entitlement to a qualifying income-related benefit ceased because the applicant or the applicant’s partner–
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more; and
- (c) the applicant or the applicant’s partner had been entitled to and in receipt of a qualifying income-related benefit, jobseeker’s allowance or a combination of those benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying income-related benefit ceased.

- 60.2 For the purpose of paragraph 60.1(c), an applicant or an applicant’s partner is to be treated as having been entitled to and in receipt of a qualifying income-related benefit or jobseeker’s allowance during any period of less than five weeks in respect of which the applicant or the applicant’s partner was not entitled to any of those benefits because the applicant or the applicant’s partner was engaged in remunerative work as a consequence of their participation in an employment zone programme.

- 60.3 For the purpose of this section, where an applicant or an applicant’s partner is entitled to and in receipt of joint-claim jobseeker’s allowance they shall be treated as being entitled to and in receipt of jobseeker’s allowance.

60.4 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where—

- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying income-related benefit ceased, or in the preceding week; and
- (c) entitlement to the qualifying income-related benefit ceased in any of the circumstances listed in paragraph 60.1(b).

60.5 This section shall not apply where, on the day before an applicant's entitlement to income support ceased, regulation 6(5) of the Income Support Regulations (remunerative work: housing costs) applied to that applicant.

60A.0 Duration of extended reduction period

60A.1 Where an applicant is entitled to an extended reduction, the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying income-related benefit.

60A.2 For the purpose of paragraph (60A.1), an applicant or an applicant's partner ceases to be entitled to a qualifying income-related benefit on the day immediately following the last day of entitlement to that benefit.

60A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction is payable has no liability for council tax if that occurs first.

60B.0 Amount of extended reduction

60B.1 For any week during the extended reduction period the amount of the extended reduction payable to an applicant shall be the higher of—

- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying income-related benefit;
- (b) the amount of council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 60 (extended reductions) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement if section 60 did not apply to the applicant.

60B.2 Paragraph 60B1 does not apply in the case of a mover.

60B.3 Where an applicant is in receipt of an extended reduction under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

60C Extended reductions – movers

60C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

60C.2 The amount of the extended reduction payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax

reduction which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit.

60C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction may take the form of a payment from the appropriate authority to;

- (a) the second authority; or
- (b) the mover directly.

60C.4 Where—

- (a) a mover, or the mover's partner, makes a claim for council tax reduction to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying income-related benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction from the appropriate authority, the second authority shall reduce the weekly amount of council tax reduction that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction until the end of the extended reduction period.

60D.0 Relationship between extended reduction and entitlement to council tax reduction under the general conditions of entitlement

60D.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying income-related benefit in the circumstances listed in paragraph 60.1(b), that award will not cease until the end of the extended reduction period.

60D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction payable in accordance with paragraph 60B.1(a) or 60C.2 (amount of extended reduction – movers).

61.0 Extended reductions (qualifying contributory benefits)

61.1 An applicant who is entitled to council tax reduction (by virtue of the general conditions of entitlement) shall be entitled to an extended reduction (qualifying contributory benefits) where;

- (a) the applicant or the applicant's partner was entitled to a qualifying contributory benefit;
- (b) entitlement to a qualifying contributory benefit ceased because the applicant or the applicant's partner;
 - (i) commenced employment as an employed or self-employed earner;
 - (ii) increased their earnings from such employment; or
 - (iii) increased the number of hours worked in such employment, and that employment is or, as the case may be, increased earnings or increased number of hours are expected to last five weeks or more;
- (c) the applicant or the applicant's partner had been entitled to and in receipt of a qualifying contributory benefit or a combination of qualifying contributory benefits for a continuous period of at least 26 weeks before the day on which the entitlement to a qualifying contributory benefit ceased; and
- (d) the applicant or the applicant's partner was not entitled to and not in receipt of a qualifying income-related benefit in the last reduction week in which the applicant, or the applicant's partner, was entitled to a qualifying contributory benefit.

61.2 An applicant must be treated as entitled to council tax reduction by virtue of the general conditions of entitlement where;

- (a) the applicant ceased to be entitled to council tax reduction because the applicant vacated the dwelling in which the applicant was resident;
- (b) the day on which the applicant vacated the dwelling was either in the week in which entitlement to a qualifying contributory benefit ceased, or in the preceding week; and

- (c) entitlement to the qualifying contributory benefit ceased in any of the circumstances listed in paragraph 61.1(b).

61A.0 Duration of extended reduction period (qualifying contributory benefits)

61A.1 Where an applicant is entitled to an extended reduction (qualifying contributory benefits), the extended reduction period starts on the first day of the reduction week immediately following the reduction week in which the applicant, or the applicant's partner, ceased to be entitled to a qualifying contributory benefit.

61A.2 For the purpose of paragraph 61A.1, an applicant or an applicant's partner ceases to be entitled to a qualifying contributory benefit on the day immediately following the last day of entitlement to that benefit.

61A.3 The extended reduction period ends;

- (a) at the end of a period of four weeks; or
- (b) on the date on which the applicant to whom the extended reduction (qualifying contributory benefits) is payable has no liability for council tax if that occurs first.

61B.0 Amount of extended reduction (qualifying contributory benefits)

61B.1 For any week during the extended reduction period the amount of the extended reduction (qualifying contributory benefits) payable to an applicant shall be the higher of;

- (a) the amount of council tax reduction to which the applicant was entitled under the general conditions of entitlement in the last reduction week before the applicant or the applicant's partner ceased to be entitled to a qualifying contributory benefit;
- (b) the amount of council tax reduction to which the applicant would be entitled under the general conditions of entitlement for any reduction week during the extended reduction period, if section 61 (extended reductions (qualifying contributory benefits)) did not apply to the applicant; or
- (c) the amount of council tax reduction to which the applicant's partner would be entitled under the general conditions of entitlement if section 61 did not apply to the applicant.

61B.2 Paragraph 61B.1 does not apply in the case of a mover.

61B.3 Where an applicant is in receipt of an extended reduction (qualifying contributory benefits) under this section and the applicant's partner makes a claim for council tax reduction, no amount of council tax reduction shall be payable by the appropriate authority during the extended reduction period.

61C.0 Extended reductions (qualifying contributory benefits) – movers

61C.1 This section applies;

- (a) to a mover; and
- (b) from the Monday following the day of the move.

61C.2 The amount of the extended reduction (qualifying contributory benefit) payable from the Monday from which this section applies until the end of the extended reduction period shall be the amount of council tax reduction which was payable to the mover for the last reduction week before the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit.

61C.3 Where a mover's liability to pay council tax in respect of the new dwelling is to the second authority, the extended reduction (qualifying contributory benefits) may take the form of a payment from the appropriate authority to—

- (a) the second authority; or
- (b) the mover directly.

61C.4 Where

- (a) a mover, or the mover's partner, makes a claim for council tax reduction to the second authority after the mover, or the mover's partner, ceased to be entitled to a qualifying contributory benefit; and
- (b) the mover, or the mover's partner, is in receipt of an extended reduction (qualifying contributory benefits) from the appropriate authority, the second authority shall reduce the weekly amount of council tax reduction that the mover, or the mover's partner, is entitled to by a sum equal to the amount of the extended reduction (qualifying contributory benefits) until the end of the extended reduction period.

61D.0 Relationship between extended reduction (qualifying contributory benefits) and entitlement to council tax reduction under the general conditions of entitlement

61D.1 Where an applicant's council tax reduction award would have ended when the applicant ceased to be entitled to a qualifying contributory benefit in the circumstances listed in paragraph 61.1 (b), that award will not cease until the end of the extended reduction period.

61D.2 Changes of circumstances and increases for exceptional circumstances shall not apply to any extended reduction (qualifying contributory benefits) payable in accordance with paragraph 61B.1(a) or 61C.2 (amount of extended reduction– movers).

61E.0 Extended reductions: movers into the authority's area¹⁷

61E.1 Where;

- a. an application is made to the authority for a reduction under its scheme, and
- b. the applicant or the partner of the applicant, is in receipt of an extended reduction from;
 - (i) another billing authority in England; or
 - (ii) a billing authority in Wales,the current authority must reduce any reduction to which the applicant is entitled under its Council Tax Reduction scheme by the amount of that extended reduction.

62.0 – 63.0 Not Used

¹⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Sections 64 – 67

Dates on which entitlement and changes of circumstances are to take effect.

64.0 Date on which entitlement is to begin.

64.1 Subject to paragraph 64.2, any person to whom or in respect of whom a claim for council tax reduction is made and who is otherwise entitled to that support shall be so entitled from the reduction week following the date on which that claim is made or is treated as made.

64.2 Where a person is otherwise entitled to council tax reduction and becomes liable for the first time for the authority's council tax in respect of a dwelling of which he is a resident in the reduction week in which his claim is made or is treated as made, he shall be so entitled from that reduction week.

65.0 De-minimis Rule for Changes in Circumstances

65.1 Notwithstanding any other sections within this policy, any single change in circumstance which either increases or decreases entitlement to reduction by an amount of less than £10.00 per week (the tolerance) **may not be effected at the discretion of the authority**. Where the applicant has a number of individual changes in entitlement which are less than the tolerance level **but** cumulatively the total of the changes in reduction exceed the tolerance level, **these may be effected** from the date of the change on which the tolerance level was exceeded.

66.0 Periodic Reviews

66.1 The authority may review any claim for reduction on a periodic basis and may set a fixed period for granting such reduction or future reduction.

67.0 Date on which change of circumstances is to take effect.

67.1 Except in cases where section 24 (disregard of changes in tax, contributions, etc.) applies and subject to the following provisions of this paragraph, a change of circumstances which affects entitlement to, or the amount of, a reduction under the authority's scheme ("change of circumstances"), takes effect from the first day of the reduction week following the date on which the change actually occurs, and where that change is cessation of entitlement to any benefit under the benefit Acts, the date on which the change actually occurs shall be the day immediately following the last day of entitlement to that benefit.

67.2 Subject to paragraph (3), where the change of circumstances is a change in the amount of council tax payable, it takes effect from the day on which it actually occurs.

67.3 Where the change of circumstances is a change in the amount a person is liable to pay in respect of council tax in consequence of regulations under section 13 of the 1992 Act (reduced amounts of council tax) or changes in the discount to which a dwelling may be subject under sections 11 or 12 of that Act, it shall take effect from the day on which the change in amount has effect.

67.4 Where the change of circumstances is the applicant's acquisition of a partner, the change takes effect on the day on which the acquisition takes place.

67.5 Where the change of circumstances is the death of an applicant's partner or their separation, it takes effect on the day the death or separation occurs.

67.6 If two or more changes of circumstances occurring in the same reduction week would, but for this paragraph, take effect in different reduction weeks in accordance with paragraphs (1) to (5) they take effect from the day to which the appropriate paragraph from (2) to (5) above refers, or where more than one day is concerned, from the earlier day.

67.7 Where the change of circumstances is that income, or an increase in the amount of income, other than a benefit or an increase in the amount of a benefit under the Act, is paid in respect of a past period and there was no entitlement to income of that amount during that period, the change of circumstances shall take effect from the first day on which such income, had it been

paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

67.8 Without prejudice to paragraph (7), where the change of circumstances is the payment of income, or arrears of income, in respect of a past period, the change of circumstances takes effect from the first day on which such income, had it been timeously paid in that period at intervals appropriate to that income, would have fallen to be taken into account for the purposes of this scheme.

Sections 68– 74A

Claiming and the treatment of claims for Council tax reduction purposes

68.0 Making an application¹⁸

68.1 In the case of a couple or members of a polygamous marriage an application is to be made by whichever one of them they agree should so apply or, in default of agreement, by such one of them as the authority determines.

68.2 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act, and;

- (a) a deputy has been appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or
- (b) in Scotland, his estate is being administered by a judicial factor or any guardian acting or appointed under the Adults with Incapacity (Scotland) Act 2000 who has power to apply or, as the case may be, receive benefit on his behalf; or
- (c) an attorney with a general power or a power to apply or, as the case may be, receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

that deputy, judicial factor, guardian or attorney, as the case may be, may make an application on behalf of that person.

68.3 Where a person who is liable to pay council tax in respect of a dwelling is unable for the time being to act and sub-paragraph (2) does not apply to him, the authority may, upon written application made to them by a person who, if a natural person, is over the age of 18, appoint that person to exercise on behalf of the person who is unable to act, any right to which that person might be entitled under the authority's scheme and to receive and deal on his behalf with any sums payable to him.

68.4 Where a person who is liable to pay council tax in respect of a dwelling is for the time being unable to act and the Secretary of State has appointed a person to act on his behalf under regulation 33 of the Social Security (Claims and Payments) Regulations 1987 (persons unable to act), the authority may if that person agrees, treat him as if he had been appointed by them under sub-paragraph (3).

68.5 Where the authority has made an appointment under sub-paragraph (3) or treated a person as an appointee under sub-paragraph (4);

- (a) it may at any time revoke the appointment;
- (b) the person appointed may resign his office after having given 4 weeks notice in writing to the authority of his intention to do so;
- (c) any such appointment terminates when the authority is notified of the appointment of a person mentioned in sub-paragraph (2).

68.6 Anything required by the authority's scheme to be done by or to any person who is for the time being unable to act may be done by or to the persons mentioned in sub-paragraph (2) above or by or to the person appointed or treated as appointed under this paragraph and the receipt of any such person so appointed shall be a good discharge to the authority for any sum paid.

68.7 The authority must;

- (a) inform any person making an application of the duty imposed by paragraph 9(1)(a);
- (b) explain the possible consequences (including prosecution) of failing to comply with that duty; and
- (c) set out the circumstances a change in which might affect entitlement to the reduction or its amount.

¹⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

69.0 Procedure by which a person may apply for a reduction under the authority's scheme¹⁹

69.1. Paragraphs 2 to 7 apply to an application made under the authority's scheme.

69.2. An application may be made;

- (a) in writing,
- (b) **by means of an electronic communication in accordance with sections 101 – 106A of this scheme;**
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone; or
- (d) by any other method approved by the authority.**

69.3 (1) An application which is made in writing must be made to the designated office on a properly completed form.
(2) The form must be provided free of charge by the authority for the purpose.

69.4 (1) Where an application made in writing is defective because—
(a) it was made on the form supplied for the purpose, but that form is not accepted by the authority as being properly completed; or
(b) it was made in writing but not on the form approved for the purpose and the authority does not accept the application as being in a written form which is sufficient in the circumstances of the case having regard to the sufficiency of the written information and evidence,

the authority may, in a case to which sub-paragraph (a) applies, request the applicant to complete the defective application or, in the case to which sub-paragraph (b) applies, supply the applicant with the approved form or request further information and evidence.

(2) An application made on a form provided by the authority is properly completed if it is completed in accordance with the instructions on the form, including any instructions to provide information and evidence in connection with the application.

69.5. (1) If an application made by electronic communication is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by electronic communication is defective if the applicant does not provide all the information the authority requires.

69.6. In a particular case the authority may determine that an application made by telephone is only valid if the person making the application approves a written statement of his circumstances provided by the authority.

69.7 (1) If an application made by telephone is defective the authority must provide the person making the application with an opportunity to correct the defect.

(2) An application made by telephone is defective if the applicant does not provide all the information the authority requests during the telephone call.

69A.0 Date on which an application is made.

69A.1 Subject to sub-paragraph (7), the date on which an application is made is;

- (a) in a case where;
 - (i) an award of state pension credit which comprises a guarantee credit has been made to the applicant or his partner, and
 - (ii) the application for a reduction is made within one month of the date on which

¹⁹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

the claim for that state pension credit which comprises a guarantee credit was received at the appropriate DWP office,

the first day of entitlement to state pension credit which comprises a guarantee credit arising from that claim;

(b) in a case where

- (i) an applicant or his partner is a person in receipt of a guarantee credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(c) in a case where;

- (i) an award of income support, an income-based jobseeker's allowance or an income-related employment and support allowance or an award of universal credit has been made to the applicant or his partner, and
- (ii) the application is made within one month of the date on which the claim for that income support, jobseeker's allowance, employment and support allowance or universal credit was received,

the first day of entitlement to income support, an income-based jobseeker's allowance, an income-related employment and support allowance or universal credit arising from that claim;

(d) in a case where;

- (i) an applicant or his partner is a person on income support, an income-based jobseeker's allowance or an income-related employment and support allowance or has an award of universal credit,
- (ii) the applicant becomes liable for the first time to pay council tax in respect of the dwelling which he occupies as his home, and
- (iii) the application is received at the designated office within one month of the date of the change,

the date on which the change takes place;

(e) in a case where;

- (i) an applicant is the former partner of a person who was, at the date of his death or their separation, entitled to a reduction under the authority's scheme, and
- (ii) the applicant makes an application for a reduction under that scheme within one month of the date of the death or the separation,

the date of the death or separation;

(f) except where paragraph (a), (b) or (e) is satisfied, in a case where a properly completed application is received within one month (or such longer period as the authority considers reasonable) of the date on which an application form was issued to an applicant following the applicant first notifying, by whatever means, the authority of an intention to make an application, the date of first notification;

(g) in any other case, the date on which an application is received at the designated office.

69A.2 For the purposes only of sub-paragraph (1)(c) a person who has been awarded an income-based jobseeker's allowance or an income-related employment and support allowance is to be treated as entitled to that allowance for any days which immediately precede the first day in that award and on which he would, but for regulations made under;

- (a) in the case of income-based jobseeker's allowance, paragraph 4 of Schedule 1 to the Jobseekers Act 1995 (waiting days); or
- (b) in the case of income-related employment and support allowance, paragraph 2 of Schedule 2 to the Welfare Reform Act 2007 (waiting days),

have been entitled to that allowance.

69A.3 Where there is a defect in an applications by telephone;

- (a) is corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the

application as if it had been duly made in the first instance;
(b) is not corrected within one month (or such longer period as the authority considers reasonable) of the date the authority last drew attention to it, the authority must treat the application as if it had been duly made in the first instance where it considers it has sufficient information to decide the application.

69A.4 The authority is to treat a defective application as if it had been validly made in the first instance if, in any particular case, the conditions specified in sub-paragraph (5)(a), (b) or (c) are satisfied.

69A.5 The conditions are that—

(a) where the authority receives the properly completed application or the information requested to complete it or the evidence within one month of the request, or such longer period as the authority may consider reasonable; or

(b) where an application is not on approved form or further information requested by authority applies;

(i) the approved form sent to the applicant is received at the offices of the authority properly completed within one month of it having been sent to him; or, as the case may be;

(ii) the applicant supplies whatever information or evidence was requested within one month of the request; or,

in either case, within such longer period as the authority may consider reasonable; or

(c) where the authority has requested further information, the authority receives at its offices the properly completed application or the information requested to complete it within one month of the request or within such longer period as the authority considers reasonable.

69A.6 Except in the case of an application made by a person treated as not being in Great Britain, where a person has not become liable for council tax to the authority but it is anticipated that he will become so liable within the period of 8 weeks (the relevant period), he may apply for a reduction under that authority's scheme at any time in that period in respect of that tax and, provided that liability arises within the relevant period, the authority must treat the application as having been made on the day on which the liability for the tax arises.

69A.7 Except in the case of an application made by a person treated as not being in Great Britain, where the applicant is not entitled to a reduction under the authority's scheme in the reduction week immediately following the date of his application, but the authority is of the opinion that unless there is a change of circumstances, he will be entitled to a reduction under its scheme for a period beginning not later than;

(a) in the case of an application made by;

(i) a pensioner, or

(ii) a person who has attained, or whose partner has attained, the age which is 17 weeks younger than the qualifying age for state pension credit, the seventeenth reduction week following the date on which the application is made, or

(b) in the case of an application made by a person who is not a pensioner, the thirteenth reduction week following the date on which the application is made, the authority may treat the application as made on a date in the reduction week immediately preceding the first reduction week of that period of entitlement and award a reduction accordingly.

69A.8 In this paragraph "appropriate DWP office" means an office of the Department for Work and Pensions dealing with state pension credit or an office which is normally open to the public for the receipt of claims of income support, a job seekers allowance or an employment and support allowance.

70.0 Submission of evidence electronically

70.1 The authority may accept such evidence, documents and certificates to support the claim electronically where it feels that this would be acceptable given the nature of the claim.

71.0 Use of telephone provided evidence

71.1 The authority may accept such evidence to support the claim by telephone where it feels that this would be acceptable given the nature of the claim.

72.0 Information and evidence²⁰

72.1 Subject to sub-paragraph (3), a person who makes an application for a reduction under an authority's scheme must satisfy sub-paragraph (2) in relation both to himself and to any other person in respect of whom he is making the application.

72.2 This sub-paragraph is satisfied in relation to a person if—

- (a) the application is accompanied by;
 - (i) a statement of the person's national insurance number and information or evidence establishing that that number has been allocated to the person; or
 - (ii) information or evidence enabling the authority to ascertain the national insurance number that has been allocated to the person; or
- (b) the person has made an application for a national insurance number to be allocated to him and the application for the reduction is accompanied by;
 - (i) evidence of the application for a national insurance number to be so allocated; and
 - (ii) the information or evidence enabling it to be so allocated.

72.3 Sub-paragraph (2) does not apply;

- (a) in the case of a child or young person in respect of whom an application for a reduction is made;
- (b) to a person who;
 - (i) is a person treated as not being in Great Britain for the purposes of this scheme;
 - (ii) is subject to immigration control within the meaning of section 115(9)(a) of the Immigration and Asylum Act 1999; and
 - (iii) has not previously been allocated a national insurance number.

72.4 Subject to sub-paragraph (5), a person who makes an application, or a person to whom a reduction under the authority's scheme has been awarded, must furnish such certificates, documents, information and evidence in connection with the application or the award, or any question arising out of the application or the award, as may reasonably be required by that authority in order to determine that person's entitlement to, or continuing entitlement to a reduction under its scheme and must do so within one month of the authority requiring him to do so or such longer period as the authority may consider reasonable.

72.5 Nothing in this paragraph requires a person who is a pensioner to furnish any certificates, documents, information or evidence relating to a payment to which sub-paragraph (7) applies.

72.6 Where the authority makes a request under sub-paragraph (4), it must;

- (a) inform the applicant or the person to whom a reduction under its scheme has been awarded of his duty under paragraph 9 (duty to notify change of circumstances) to notify the authority of any change of circumstances; and
- (b) without prejudice to the extent of the duty owed under paragraph 9, indicate to him either orally or by notice or by reference to some other document available to him on

²⁰ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

application and without charge, the kind of change of circumstances which must be notified.

- 72.7 This sub-paragraph applies to any of the following payments;
- (a) a payment which is made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation, the London Emergencies Trust, the We Love Manchester Emergency Fund, or the London Bombings Relief Charitable Fund;
 - (b) a payment which is disregarded under paragraph 24 of Schedule 5, other than a payment under the Independent Living Fund (2006);
 - (c) a payment which is disregarded under paragraph 58.9.

- 72.8 Where an applicant or a person to whom a reduction under the authority's scheme has been awarded or any partner has attained the qualifying age for state pension credit and is a member of, or a person deriving entitlement to a pension under, a personal pension scheme, he must where the authority so requires furnish the following information;
- (a) the name and address of the pension fund holder;
 - (b) such other information including any reference or policy number as is needed to enable the personal pension scheme to be identified.

73.0 Amendment and withdrawal of application²¹

- 73.1 A person who has made an application may amend it at any time before a decision has been made on it by a notice in writing delivered or sent to the designated office.

- 73.2 Where the application was made by telephone the amendment may also be made by telephone.

- 73.3 Any application amended is to be treated as if it had been amended in the first instance.

- 73.4 A person who has made an application may withdraw it by notice to the designated office at any time before a decision has been made on it.

- 73.5 Where the application was made by telephone, the withdrawal may also be made by telephone.

- 73.6 Any notice of withdrawal given in accordance with sub-paragraph (4) or (5) has effect when it is received.

- 73.7 Where a person, by telephone, amends or withdraws an application the person must (if required to do so by the authority) confirm the amendment or withdrawal by a notice in writing delivered or sent to the designated office.

74.0 Duty to notify changes of circumstances²²

- 74.1 Subject to sub-paragraphs (3), (6) and (7), an applicant (or any person acting on his behalf) must comply with sub-paragraph (2) if there is a relevant change of circumstances at any time;
- (a) between the making of an application and a decision being made on it, or
 - (b) after the decision is made (where the decision is that the applicant is entitled to a reduction under the authority's scheme) including at any time while the applicant is in receipt of such a reduction.

- 74.2 The applicant (or any person acting on his behalf) must notify any change of circumstances which the applicant (or that person) might reasonably be expected to know might affect his entitlement to, or the amount of, a reduction under the authority's scheme (a "relevant

²¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²² Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

change of circumstances”) by giving notice to the authority;
(a) in writing; or
(b) by telephone—
 (i) where the authority has published a telephone number for that purpose unless the authority determines that in any particular case or class of case notification may not be given by telephone; or
 (ii) in any case or class of case where the authority determines that notice may be given by telephone; or
(c) by any other means which the authority agrees to accept in any particular case, within a period of 21 days beginning with the day on which the change occurs, or as soon as reasonably practicable after the change occurs, whichever is later.

- 74.3 The duty imposed on a person by sub-paragraph (1) does not extend to notifying.
(a) changes in the amount of council tax payable to the authority;
(b) changes in the age of the applicant or that of any member of his family;
(c) in the case of an applicant in receipt of a relevant benefit, changes in circumstances which affect the amount of the benefit but not the amount of the reduction under the authority’s scheme to which he is entitled, other than the cessation of that entitlement to the benefit.
- 74.4 For the purposes of sub-paragraph (3)(c) “relevant benefit” means income support, an income-based jobseeker’s allowance or an income-related employment and support allowance or universal credit.
- 74.5 Notwithstanding sub-paragraph (3)(b) or (c) an applicant is required by sub-paragraph (1) to notify the authority of any change in the composition of his family arising from the fact that a person who was a member of his family is now no longer such a person because he has ceased to be a child or young person.
- 74.6 Not Used
- 74.7 A person who has been awarded a reduction under the authority’s scheme who is also on state pension credit must report;
(a) changes affecting the residence or income of any non-dependant normally residing with the applicant or with whom the applicant normally resides;
(b) any absence from the dwelling which exceeds or is likely to exceed 13 weeks.
- 74.8 In addition to the changes required to be reported under sub-paragraph (7), a person whose state pension credit comprises only a savings credit must also report—
(a) changes affecting a child living with him which may result in a change in the amount of reduction under the authority’s scheme allowed in his case, but not changes in the age of the child;
(b) any change in the amount of the applicant’s capital to be taken into account which does or may take the amount of his capital to more than £16,000;
(c) any change in the income or capital of;
 (i) a non-dependant whose income and capital are treated as belonging to the applicant; or
 (ii) a person to whom their partner is treated as member of the household, and whether such a person or, as the case may be, non-dependant stops living or begins or resumes living with the applicant.
- 74.9 A person who is entitled to a reduction under the authority’s scheme and on state pension credit need only report to the authority the changes specified in sub-paragraphs (7) and (8).
- 74.10 All changes in circumstances should be notified to the authority in writing (or by whatever format agreed by the authority) within one calendar month of the happening of the event or

change in circumstance. This timescale may be extended at the discretion of the authority. Where such a change is not received within that timescale and where the change would increase the level of reduction payable, the authority may use a date later than the actual change of circumstances.

Sections 75- 90

Decisions, decision notices and awards of Council tax reduction

75.0 Decisions by the authority²³

75.1 The authority must make a decision on an application under its scheme within 14 days of paragraphs 4 and 7 and section 69 being satisfied, or as soon as reasonably practicable thereafter.

76.0 Notification of decision²⁴

76.1 The authority must notify in writing any person affected by a decision made by it under its scheme;

(a) in the case of a decision on an application, forthwith or as soon as reasonably practicable thereafter;

(b) in any other case, within 14 days of that decision or as soon as reasonably practicable thereafter.

76.2 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement;

(a) informing the person affected of the duty imposed by 74.1;

(b) explaining the possible consequences (including prosecution) of failing to comply with that duty; and

(c) setting out the circumstances a change in which might affect entitlement to the reduction or its amount.

76.3 Where the decision is to award a reduction, the notification under sub-paragraph (1) must include a statement as to how that entitlement is to be discharged.

76.4 In any case, the notification under sub-paragraph (1) must inform the person affected of the procedure by which an appeal may be made and must refer the person to the provisions in the authority's scheme relating to the procedure for making an appeal.

76.5 A person affected to whom the authority sends or delivers a notification of decision may, within one month of the date of the notification of that decision request in writing the authority to provide a written statement setting out the reasons for its decision on any matter set out in the notice.

76.6 The written statement referred to in sub-paragraph (5) must be sent to the person requesting it within 14 days or as soon as reasonably practicable thereafter.

76.7 For the purposes of this paragraph a person is to be treated as a person affected by a decision of the authority under its scheme where the rights, duties or obligations of that person are affected by that decision and the person falls within sub-paragraph (8).

76.8 This sub-paragraph applies to—

(a) the applicant;

(b) in the case of a person who is liable to pay council tax in respect of a dwelling and is unable for the time being to act;

(i) a deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit on his behalf; or

(ii) in Scotland, a judicial factor or any guardian acting or appointed under the

Adults with Incapacity (Scotland) Act 2000(3) who has power to apply or, as the case may be, receive benefit on the person's behalf; or

(iii) an attorney with a general power or a power to apply or, as the case may be,

²³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁴ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

receive benefit, has been appointed by that person under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise,

(c) a person appointed by the authority to act for a person unable to act.

77.0 Time and manner of granting council tax reduction²⁵

77.1 Where a person is entitled to a reduction under this authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year ("the chargeable year"), the authority must discharge his entitlement;

- (a) by reducing, so far as possible, the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992 refers; or
- (b) where;
 - (i) such a reduction is not possible; or
 - (ii) such a reduction would be insufficient to discharge the entitlement to a reduction under the authority's scheme; or
 - (iii) the person entitled to the reduction is jointly and severally liable for the council tax and the authority determines that such a reduction would be inappropriate, by making payment to him of the amount of reduction to which he is entitled, rounded where necessary to the nearest penny.

77.2 The authority must notify the person entitled to a reduction under this scheme of the amount of that reduction and how his entitlement is to be discharged in pursuance of paragraph (1).

77.3 In a case to which paragraph (1)(b) refers;

- (a) if the amount of the council tax for which he remains liable in respect of the chargeable year, after any reduction to which sub-paragraph (1)(a) refers has been made, is insufficient to enable his entitlement to a reduction under the authority's scheme in respect thereof to be discharged, upon the final instalment of that tax becoming due any outstanding reduction;
 - (i) must be paid to that person if he so requires; or
 - (ii) in any other case must (as the authority determines) either be repaid or credited against any subsequent liability of the person to make a payment in respect of the authority's council tax as it has effect for any subsequent year;
- (b) if that person has ceased to be liable for the authority's council tax and has discharged the liability for that tax, the outstanding balance (if any) of the reduction under the authority's scheme in respect thereof must be paid within 14 days or, if that is not reasonably practicable, as soon as practicable thereafter
- (c) in any other case, the reduction under the authority's scheme must be paid within 14 days of the receipt of the application at the offices of the authority or, if that is not reasonably practicable, as soon as practicable thereafter.

77.4 For the purposes of this paragraph "instalment" means any instalment of the authority's council tax to which regulation 19 of the Council Tax (Administration and Enforcement) Regulations 1992 refers (council tax payments).

78.0 Persons to whom support is to be paid²⁶

78.1 Subject to section 80 (payment on death) and paragraph (2), any payment of the amount

²⁵ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁶ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

of a reduction must be made to that person.

78.2 Where a person other than a person who is entitled to a reduction under this authority's scheme made the application for the reduction and that first person is a person acting pursuant to an appointment or is treated as having been so appointed, the amount of the reduction may be paid to that person.

79.0 Shortfall in support / reduction²⁷

79.1 Where, on the revision of a decision allowing a reduction under the authority's scheme to a person, it is determined that the amount allowed was less than the amount to which that person was entitled, the authority must either;

- (a) make good any shortfall in reduction which is due to that person, by reducing so far as possible the next and any subsequent payments he is liable to make in respect of the council tax of the authority as it has effect for the chargeable financial year until that shortfall is made good; or
- (b) where this is not possible or the person concerned so requests, pay the amount of any shortfall in reduction due to that person within 14 days of the revision of the decision being made or if that is not reasonably practicable, as soon as possible afterwards.

80.0 Payment on the death of the person entitled²⁸

80.1 Where the person entitled to any reduction under this scheme has died and it is not possible to award the reduction which is due in the form of a reduction of the council tax for which he was liable, the authority must make payment of the amount of the reduction to his executor or administrator in accordance with regulation 58(4) of the Council Tax (Administration and Enforcement) Regulations 1992.

81.0 Offsetting

81.1 Where a person has been allowed or paid a sum of council tax reduction under a decision which is subsequently revised or further revised, any sum allowed or paid in respect of a period covered by the subsequent decision shall be offset against arrears of entitlement under the subsequent decision except to the extent that the sum exceeds the arrears and shall be treated as properly awarded or paid on account of them.

82.0 Payment where there is joint and several liability²⁹

82.1 Where;

- (a) a person is entitled to a reduction under the authority's scheme in respect of his liability for the authority's council tax as it has effect in respect of a chargeable financial year;
- (b) the person entitled to the reduction is jointly and severally liable for the council tax; and
- (c) the authority determines that discharging his entitlement by reducing the amount of his liability to which regulation 20(2) of the Council Tax (Administration and Enforcement) Regulations 1992(7) refers would be inappropriate, it may make a payment to him of the amount of the reduction to which he is entitled, rounded where necessary to the nearest penny.

82.2 Subject to sub-paragraph (3) any payment made under sub-paragraph (1) must be made to the person who is entitled to the reduction.

82.3 Where a person other than a person who is entitled to a reduction under the authority's scheme made the application and that first person is a person acting pursuant to an

²⁷ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁸ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

²⁹ Inserted by Schedule 8 of the Council Tax Reductions Scheme (Prescribed Requirements) (England) Regulations 2012

appointment under paragraph 4(3) or is treated as having been so appointed by virtue of paragraph 4(4), the amount of the reduction may be paid to that person.

83.0 – 90.0 **Not used**

Sections 91 – 94

Collection, holding and forwarding of information for Council tax reduction purposes.

91.0 Use of information from and to the Department of Work and Pensions (DWP) and His Majesty's Revenues and Customs (HMRC)

91.1 The authority may use information provided by the DWP and HMRC for the purposes of Council Tax Reduction, council tax liability, billing, administration and enforcement as outlined within Schedule 2 of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 and the Social Security (Information-sharing in relation to Welfare Services etc.) (Amendment) Regulations 2013

91.2 Where required by the relevant department and where required by law, the authority will share information obtained for Council Tax Reduction with the DWP or HMRC as appropriate and in accordance with Data Protections requirements³⁰..

92.0 Collection of information

92.1 The authority may receive and obtain information and evidence relating to claims for council tax reduction, the council may receive or obtain the information or evidence from–

- (a) persons making claims for council tax reduction;
- (b) other persons in connection with such claims;
- (c) other local authorities; or
- (d) central government departments including the DWP and HMRC

92.2 The authority may verify relevant information supplied to or obtained.

93.0 Recording and holding information.

93.1 The authority may

- (a) may make a record of such information; and
- (b) may hold that information, whether as supplied or obtained or recorded, for the purpose of forwarding it to the person or authority for the time being administering council tax reduction.

94.0 Forwarding of information.

94.1 The authority may forward it to the person or authority for the time being administering claims to or awards of council tax reduction to which the relevant information relates, being;

- (i) a local authority;
- (ii) a person providing services to a local authority; or
- (iii) a person authorised to exercise any function of a local authority relating to council tax reduction.

³⁰ Data Retention and Investigatory Powers Act 2014 and Data Retention Regulations 2014

Sections 95 – 98

Revisions, Written Statements, Termination of Council tax reduction

95.0 Persons affected by Decisions.

95.1 A person is to be treated as a person affected by a relevant decision of the authority where that person is;

- a. an applicant;
- b. in the case of a person who is liable to make payments in respect of a dwelling and is unable for the time being to act
 - (i) a Deputy appointed by the Court of Protection with power to claim, or as the case may be, receive benefit or support on his behalf,
 - (ii) in Scotland, a tutor, curator, judicial factor or other guardian acting or appointed in terms of law administering that person's estate, or
 - (iii) an attorney with a general power or a power to receive benefit or support appointed by the person liable to make those payments under the Powers of Attorney Act 1971, the Enduring Powers of Attorney Act 1985 or the Mental Capacity Act 2005 or otherwise;
- c. a person appointed by the authority under this scheme;

96.0 Revisions of Decisions

96.1 Subject to the provisions in this scheme, a relevant decision ('the original decision') may be revised or further revised by the authority, which made the decision where the person affected makes an application for a revision within;

- (i) one month of the date of notification of the original decision; or
- (ii) such extended time as the authority may allow.

96.2 The authority may revise or further revise that original decision at any time. Where further information is required from the person affected, the authority shall request such information and evidence as it feels is reasonable. Such information must be supplied within;

- i) one month of the date of notification of the additional information; or
- (ii) such extended time as the authority may allow

97.0 Written Statements

97.1 Subject to the provisions in the scheme, the authority may upon a written request issue a written statement to a person affected to further explain the decision of the authority in relation to Council tax reduction. The request must be received within one month of the date of the notification being issued by the authority.

98.0 Terminations

98.1 The authority may terminate support in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

98.2 The authority may terminate, in whole or in part the Council tax reduction where it appears to the authority that an issue arises whether;

- a. the conditions for entitlement to Council tax reduction are or were fulfilled; or
- b. a decision as to an award of such a support should be revised or superseded.

Where the person fails to provide information to the authority as requested in relation to any matter relating to their liability for Council Tax

Section 99

Appeals against the authority's decisions.

99.0 Procedure by which a person may make an appeal against certain decisions of the authority³¹

- 99.1 .A person who is aggrieved by a decision of the authority, which affects;
- (a) the person's entitlement to a reduction under its scheme, or
 - (b) the amount of any reduction to which that person is entitled,
- may serve a written notice on the authority stating the matter by which, and the grounds on which, he is aggrieved.
- 99.2 The authority must
- (a) consider the matter to which the notice relates;
 - (b) notify the aggrieved person in writing;
 - (i) that the ground is not well founded, giving reasons for that belief; or
 - (ii) that steps have been taken to deal with the grievance, stating the steps taken.
- 99.3 Where, following notification under sub-paragraph (2)(b)(i) or (ii), the person is still aggrieved, or if the authority fails to notify the person aggrieved in accordance with sub-paragraph (2)(b) within two months of the service of his notice, he may appeal to the valuation tribunal under section 16 of the 1992 Act³².

³¹ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

³² As amended by the Tribunal Procedure (Amendment No 3) Rules 2014

Section 100

Procedure for applying for a discretionary reduction.

100.0 Procedure for an application to the authority for a reduction under section 13A(1)(c) of the 1992 Act³³

100.1 An application to the authority for a reduction under section 13A(1)(c) of the 1992 Act may be made;

- (a) in writing,
- (b) by means of an electronic communication in accordance this scheme or
- (c) where the authority has published a telephone number for the purpose of receiving such applications, by telephone.

100.2 Where;

- (a) the authority has made a determination under section 13A(1)(c) in relation to a class of case in which liability is to be reduced; and
- (b) a person in that class would otherwise be entitled to a reduction under its scheme, that person's application for a reduction under the authority's scheme may also be treated as an application for a reduction under section 13A(1)(c).

100.3 An application to the authority for a reduction not in accordance with paragraph 1 on the grounds of Exceptional Hardship under this scheme must be made:

- (a) in writing,
- (b) by any means acceptable to the authority.

³³ Inserted by Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

Section 101 – 106A³⁴

Electronic Communication

³⁴ Inserted by Council Tax Reductions Schemes (Prescribed Requirements) (England) Regulations 2012

101.0 Interpretation

- 101.1 In this Part;
“**information**” includes an application, a certificate, notice or other evidence; and
“**official computer system**” means a computer system maintained by or on behalf of an authority for sending, receiving, processing or storing of any information.

102.0 Conditions for the use of electronic communication

- 102.1 The authority may use an electronic communication in connection with applications for, and awards of, reductions under its scheme.
- 102.2 A person other than the authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- 102.3 The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the authority.
- 102.4 The second condition is that the person uses an approved method of;
- (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any application or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the authority any information.
- 102.5 The third condition is that any information sent by means of an electronic communication is in a form approved for the purposes.
- 102.6 The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the authority.
- 102.7 Where the person uses any method other than the method approved of submitting any information, that information is to be treated as not having been submitted.
- 102.8 In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the authority for the purposes of this section.

103.0 Use of intermediaries

- 103.1 The authority may use intermediaries in connection with;
- (a) the delivery of any information by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,
- and may require other persons to use intermediaries in connection with those matters.

104.0 Effect of delivering information by means of electronic communication.

- 104.1 Any information which is delivered by means of an electronic communication is to be treated as having been delivered in the manner or form required by any provision of an authority’s scheme on the day the conditions imposed;
- (a) by this section; and
 - (b) by or under an enactment,
- are satisfied.

104.2 The authority may determine that any information is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

104.3 Information may not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

105.0 Proof of identity of sender or recipient of information

105.1 If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
(a) the sender of any information delivered by means of an electronic communication to an official computer system; or
(b) the recipient of any such information delivered by means of an electronic communication from an official computer system,
the sender or recipient, as the case may be, is to be presumed to be the person whose name is recorded as such on that official computer system.

106.0 Proof of delivery of information

106.1 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any information this is presumed to have been the case where;
(a) any such information has been delivered to the relevant authority, if the delivery of that information has been recorded on an official computer system; or
(b) any such information has been delivered by the relevant authority if the delivery of that information has been recorded on an official computer system.

106.2 If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such information, this is presumed not to be the case if that information delivered to the relevant authority has not been recorded on an official computer system.

106.3 If it is necessary to prove, for the purpose of any legal proceedings, when any such information sent by means of an electronic communication has been received, the time and date of receipt is presumed to be that recorded on an official computer system.

106A.0 Proof of content of information

106A.1 If it is necessary to prove, for the purpose of any legal proceedings, the content of any information sent by means of an electronic communication, the content is presumed to be that recorded on an official computer system.

Section 107
Counter Fraud and Compliance

107.0 Counter Fraud and compliance

107.1 In order to protect the finances of the authority and also in the interests of all council taxpayers, the authority will undertake such actions as allowed by law to;

- a. Prevent and detect fraudulent claims and actions in respect of Council tax reduction;
- b. Carry out investigations fairly, professionally and in accordance with the law; and
- c. Ensure that sanctions are applied in appropriate cases.

107.2 The authority believes that it is important to minimise the opportunity for fraud and;

- a. will implement rigorous procedures for the verification of claims for council tax reduction;
- b. will employ sufficient Officers to fulfil the authority's commitment to combat fraud;
- c. will actively tackle fraud where it occurs in accordance with this scheme;
- d. will co-operate with the Department for Work and Pensions (DWP), His Majesty's Revenues and Customs and take part in joint working including prosecutions; and
- e. will in all cases seek to recover all outstanding council tax.

107.3 The authority shall put into place such administrative policies, procedures and processes as are necessary to ensure that the actions outlined within paragraph 107.1 and 107.2 can be carried out successfully. In particular the authority shall undertake actions provided by the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.

Schedule 1
Applicable Amounts³⁵

³⁵ ³⁵ The amounts shown within this schedule shall be updated in line with the Housing Benefit Regulations 2006 as amended.

Personal Allowance

- 1 The amounts specified in column (2) below in respect of each person or couple specified in column (1) shall be the amounts specified for the purposes the main scheme;

Column 1 Person or Couple	Column 2
1. A Single applicant who; a) is entitled to main phase employment and support allowance	£92.05
b) is aged not less than 25	£92.05
c) is aged not less than 18 but less than 25	£72.90
2. Lone Parent	£92.05
3. Couple; a) Where the applicant is entitled to the main phase of employment and support allowance	£144.65
b) Where one member is aged not less than 18	£144.65
c) For each additional spouse who is a member of the same household as the claimant	£52.62

For the purposes of paragraph 1 an applicant is entitled to main phase employment and support allowance if;

- a. Paragraph 17 or 18 is satisfied in relation to the applicant; or
- b. The applicant is entitled to a converted employment and support allowance.

- 2 (1) The amount specified in column (2) below in respect of each person specified in column (1) shall, for the relevant period specified in column (1), be the amounts specified for the purposes of the main scheme

Column 1 Child or Young Person	Column 2
Person in respect of the period– (a) beginning on that person’s date of birth and ending on the day preceding the first Monday in September following that person’s sixteenth birthday;	£84.66
(b) beginning on the first Monday in September following that person’s sixteenth birthday and ending on the day preceding that person’s twentieth birthday.	£84.66
(c) Third or subsequent dependent child or young person whose date of birth falls on or after 1 st April 2017. This shall be determined in accordance with the Housing Benefit Regulations 2006 (as amended).	NIL

(2) In column (1) of the table in paragraph (1), “the first Monday in September” means the Monday which first occurs in the month of September in any year.

Family Premiums

3. (1) The amount for the purposes of this scheme in respect of a family of which at least one member is a child or young person shall be
- a. where the applicant is a lone parent to whom sub-paragraph (3) of Schedule 3 of the Housing Benefit Regulations 2006 applies, £22.20;

- b. in any other case, £19.48;
- c. **No family premium will be awarded where an application for reduction is received on or after 1st April 2017.**
 - i) Sub paragraph (c) shall not apply to a person who, on 31st March 2017, is entitled to Council Tax Reduction and is:
 - a. a member of a family of which at least one member is a child or young person; or
 - b. a partner in a polygamous marriage, where he or she, or another partner of the polygamous marriage, is responsible for a child or young person who is a member of the same household.
 - (c) (i) above does not apply if—
 - (a) sub-paragraph 3 c (i) (a) or (b) of that paragraph ceases to apply; or
 - (b) the person makes a new claim for Council Tax Reduction;

Premiums

- 4. Except as provided in paragraph 5, the premiums specified this Schedule shall, for the purposes of this scheme, be applicable to an applicant who satisfies the condition specified in paragraphs 4 to 16 in respect of that premium.
- 5. Subject to paragraph 6, where an applicant satisfies the conditions in respect of more than one premium in this this Schedule, only one premium shall be applicable to him and, if they are different amounts, the higher or highest amount shall apply.
- 6 (1) The following premiums, namely—
 - a. severe disability premium to which paragraph 10 applies;
 - b. an enhanced disability premium to which paragraph 11 applies;
 - c. a disabled child premium to which paragraph 12 applies; and a
 - d. carer premium to which paragraph 13 applies,
 may be applicable in addition to any other premium which may apply under this Schedule.
- 7. (1) Subject to sub-paragraph (2), for the purposes of this Schedule, once a premium is applicable to an applicant under this Part, a person shall be treated as being in receipt of any benefit for
 - a. in the case of a benefit to which the Social Security (Overlapping Benefits) Regulations 1979 applies, any period during which, apart from the provisions of those Regulations, he would be in receipt of that benefit; and
 - b. any period spent by a person in undertaking a course of training or instruction provided or approved by the Secretary of State under section 2 of the 1973 Act or by Skills Development Scotland, Scottish Enterprise or Highlands and Islands Enterprise under or section 2 of the Enterprise and New Towns(Scotland) Act 1990 for any period during which he is in receipt of a training allowance.
 (2) For the purposes of the carer premium, a person shall be treated as being in receipt of carer's allowance by virtue of sub-paragraph (1)(a) only if and for so long as the person in respect of whose care the allowance has been claimed remains in receipt of attendance allowance, or the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act or the daily living component of the personal independence payment under the Welfare Reform Act 2012 or an AFIP.

Disability Premium

- 8. The condition (s) to be met is contained in Schedule 3 (12) Housing Benefit Regulations 2006

Additional Condition for the Disability Premiums

- 9. The condition (s) to be met is contained in Schedule 3 (13) Housing Benefit Regulations 2006

Severe Disability Premiums

- 10. The condition (s) to be met is contained in Schedule 3 (14) Housing Benefit Regulations 2006

Enhanced Disability Premium

11. The condition (s) to be met is contained in Schedule 3 (15) Housing Benefit Regulations 2006

Disabled Child Premium

12. The condition (s) to be met is contained in Schedule 3 (16) Housing Benefit Regulations 2006

Carer Premium

13. The condition (s) to be met is contained in Schedule 3 (17) Housing Benefit Regulations 2006

Persons in receipt of concessionary payments

14. For the purpose of determining whether a premium is applicable to a person under paragraphs 8 to 13, any concessionary payment made to compensate that person for the non-payment of any benefit mentioned in those paragraphs shall be treated as if it were a payment of that benefit.

Persons in receipt of benefit for another

15. For the purposes of this Schedule, a person shall be regarded as being in receipt of any benefit if, and only if, it is paid in respect of him and shall be so regarded only for any period in respect of which that benefit is paid.

Amounts of Premium

16. For the purposes of this Schedule, the following amounts shall apply;

Premium	Amount
Disability Premium	£43.20
a. where the applicant satisfies the condition in paragraph 12(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 12(b) of Schedule 3 Housing Benefit Regulations 2006	£61.65
Severe Disability Premium	£82.90
a. where the applicant satisfies the condition in paragraph 14(2)(a) of Schedule 3 Housing Benefit Regulations 2006	
b. where the applicant satisfies the condition in paragraph 14(2)(b) of Schedule 3 Housing Benefit Regulations 2006	£82.90
i. in a case where there is someone in receipt of carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 14(5);	
ii. in a case where there is no one in receipt of such an allowance	£165.80
Disabled Child Premium	£81.37 in respect of each child or young person in respect of whom the condition specified in paragraph 16 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Carer Premium	£46.40 in respect of each person who satisfies the condition specified in paragraph 17 of Part 3 of Schedule 3 Housing Benefit Regulations 2006
Enhanced Disability Premium	(a) £32.75 in respect of each child

Premium	Amount
	<p>or young person in respect of whom the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied;</p> <p>(b) £21.20 in respect of each person who is neither–</p> <p>(i) a child or young person; nor</p> <p>(ii) a member of a couple or a polygamous marriage, in respect of whom the conditions specified in paragraph 15 are satisfied;</p> <p>(c) £30.25 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 15 of Part 3 of Schedule 3 Housing Benefit Regulations 2006 are satisfied in respect of a member of that couple or polygamous marriage.</p>

The components

- 17. The condition (s) to be met is contained in Schedule 3 (21 -24) Housing Benefit Regulations 2006 as amended by the Social Security (Miscellaneous Amendments) Regulations 2013
- 18. The amount of the work-related activity component is £36.55. No work-related activity component will be awarded where the applicant or partner makes a new claim for Employment and Support Allowance on or after 1st April 2017. The amount of the support component is £48.50.

Transitional Addition

- 19. The applicant is entitled to the transitional addition calculated in accordance with paragraph 30 of Schedule 3 of the Housing Benefit Regulations 2006 where the applicant or the applicant’s partner meets the conditions contained within paragraphs 27 – 29 of Schedule 3 of the Housing Benefit Regulations 2006

Amount of transitional addition

- 20. The amount of any transitional addition is calculated in accordance with paragraphs 30 and 31 of Schedule 3 of the Housing Benefit Regulations 2006

Schedule 2

Not Used

Schedule 3

Sums to be disregarded in the calculation of earnings³⁶

³⁶ All amounts within this schedule will be amended in line with the Housing Benefit Regulations 2006 (as amended)

- 1.** In the case of an applicant who has been engaged in remunerative work as an employed earner or, had the employment been in Great Britain, would have been so engaged–
- (a) where–
 - (i) the employment has been terminated because of retirement; and
 - (ii) on retirement he is entitled to a retirement pension under the Act, or is not so entitled solely because of his failure to satisfy the contribution conditions,
any earnings paid or due to be paid in respect of that employment, but only for a period commencing on the day immediately after the date on which the employment was terminated;
 - (b) where before the first day of entitlement to council tax reduction the employment has been terminated otherwise than because of retirement, any earnings paid or due to be paid in respect of that employment except–
 - (i) any payment of the nature described in
(aa) paragraph 25.1(e), or

(bb) section 28, 64 or 68 of the Employment Rights Act 1996 (guarantee payments, suspension from work on medical or maternity grounds); and
 - (ii) any award, sum or payment of the nature described in
(aa) paragraph 25.1(g) or (h), or
(bb) section 34 or 70 of the Employment Rights Act 1996 (guarantee payments and suspension from work: complaints to employment tribunals),
including any payment made following the settlement of a complaint to an employment tribunal or of court proceedings;
 - (c) where before the first day of entitlement to council tax reduction–
 - (i) the employment has not been terminated, but
 - (ii) the applicant is not engaged in remunerative work,

any earnings paid or due to be paid in respect of that employment except any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii) (bb) or paragraph 25.1(i), or (j).
- 2.** In the case of an applicant who, before first day of entitlement to council tax reduction;
- (a) has been engaged in part-time employment as an employed earner or, where the employment has been outside Great Britain, would have been so engaged had the employment been in Great Britain; and
 - (b) has ceased to be engaged in that employment, whether or not that employment has been terminated,
any earnings paid or due to be paid in respect of that employment except;
 - (i) where that employment has been terminated, any payment of the nature described in paragraph 1(b)(i) or (ii)(bb);
 - (ii) where that employment has not been terminated, any payment or remuneration of the nature described in paragraph 1(b)(i) or (ii)(bb) or paragraph 25.1(i), (i) or (j).
- 2A.** In the case of an applicant who has been engaged in remunerative work or part-time employment as a self-employed earner or, had the employment been in Great Britain would have been so engaged and who has ceased to be so employed, from the date of the cessation

of his employment any earnings derived from that employment except earnings to which paragraph 27.3 and paragraph 27.4 (earnings of self-employed earners) apply.

3. (1) In a case to which this paragraph applies and paragraph 4 does not apply, £20; but notwithstanding section 15 (calculation of income and capital of members of an applicant's family and of a polygamous marriage) if this paragraph applies to an applicant, it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £20.
- (2) This paragraph applies where the applicant's applicable amount includes an amount by way of the disability premium, severe disability premium, work-related activity component or support component.
- (3) This paragraph applies where
 - (a) he is a member of a couple, and his applicable amount includes an amount by way of the disability premium; and
 - (b) he or his partner has not attained the qualifying age for state pension credit and at least one is engaged in employment.
- (4)–(5) Not used.
4. In a case where the applicant is a lone parent, £25.
5. (1) In a case to which neither paragraph 3 nor paragraph 4 applies to the applicant and, subject to sub-paragraph (2), where the applicant's applicable amount includes an amount by way of the carer premium, £20 of the earnings of the person who is, or at any time in the preceding eight weeks was, in receipt of carer's allowance or treated in accordance with this scheme as being in receipt of carer's allowance.
- (2) Where the carer premium is awarded in respect of the applicant and of any partner of his, their earnings shall for the purposes of this paragraph be aggregated, but the amount to be disregarded in accordance with sub-paragraph (1) shall not exceed £20 of the aggregated amount.
6. Where the carer premium is awarded in respect of an applicant who is a member of a couple and whose earnings are less than £20, but is not awarded in respect of the other member of the couple, and that other member is engaged in an employment;
 - (a) specified in paragraph 8(1), so much of the other member's earnings as would not when aggregated with the amount disregarded under paragraph 5 exceed £20;
 - (b) other than one specified in paragraph 8(1), so much of the other member's earnings from such other employment up to £10 as would not when aggregated with the amount disregarded under paragraph 5 exceed £20.
7. In a case where paragraphs 3, 5, 6 and 8 do not apply to the applicant and he is one of a couple and a member of that couple is in employment, £10; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant it shall not apply to his partner except where, and to the extent that, the earnings of the applicant which are to be disregarded under this paragraph are less than £10.
8. (1) In a case where paragraphs 3, 4, 5 and 6 do not apply to the applicant, £20 of earnings derived from one or more employments as–
 - (a) as a part-time fire-fighter employed by a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;

- (b) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the Fire (Scotland) Act 2005(a)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;
- (c) an auxiliary coastguard in respect of coast rescue activities;
- (d) a person engaged part-time in the manning or launching of a life boat;
- (e) a member of any territorial or reserve force prescribed in Part I of Schedule 6 to the Social Security (Contributions) Regulations 2001;

but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if this paragraph applies to an applicant, it shall not apply to his partner except to the extent specified in sub-paragraph (2).

- (2) If the applicant's partner is engaged in employment;
 - (a) specified in sub-paragraph (1), so much of his earnings as would not in aggregate with the amount of the applicant's earnings disregarded under this paragraph exceed £20;
 - (b) other than one specified in sub-paragraph (1), so much of his earnings from that employment up to £10 as would not in aggregate with the applicant's earnings disregarded under this paragraph exceed £20.

9. Where the applicant is engaged in one or more employments specified in paragraph 8(1), but his earnings derived from such employments are less than £20 in any week and he is also engaged in any other employment so much of his earnings from that other employment, up to £5 if he is a single applicant, or up to £10 if he has a partner, as would not in aggregate with the amount of his earnings disregarded under paragraph 8 exceed £20.

10. In a case to which none of the paragraphs 3 to 9 applies, £5.

10A. (1) Where;

- (a) the applicant (or if the applicant is a member of a couple, at least one member of that couple) is a person to whom sub-paragraph (5) applies;
- (b) the Secretary of State is satisfied that that person is undertaking exempt work as defined in sub-paragraph (6); and
- (c) paragraph 12 does not apply,

the amount specified in sub-paragraph (7) ('the specified amount').

(2) Where this paragraph applies, paragraphs 3 to 10 do not apply; but in any case, where the applicant is a lone parent, and the specified amount would be less than the amount specified in paragraph 4, then paragraph 4 applies instead of this paragraph.

(3) Notwithstanding section 15 (calculation of income and capital of members of applicant's family and of a polygamous marriage), if sub-paragraph (1) applies to one member of a couple ('A') it shall not apply to the other member of that couple ('B') except to the extent provided in sub-paragraph (4).

(4) Where A's earnings are less than the specified amount, there shall also be disregarded so much of B's earnings as would not when aggregated with A's earnings exceed the specified amount; but the amount of B's earnings which may be disregarded under this sub-paragraph is limited to a maximum of £20 unless the Secretary of State is satisfied that B is also undertaking exempt work.

(5) This sub-paragraph applies to a person who is;

- (a) in receipt of a contributory employment and support allowance;
- (b) in receipt of incapacity benefit;
- (c) in receipt of severe disablement allowance; or
- (d) being credited with earnings on the grounds of incapacity for work or limited capability for work under regulation 8B of the Social Security (Credits) Regulations 1975

(6) 'Exempt work' means work of the kind described in;
(a) regulation 45(2), (3) or (4) of the Employment and Support Allowance Regulations; or (as the case may be)
(b) regulation 17(2), (3) or (4) of the Social Security (Incapacity for Work) (General) Regulations 1995,
and, in determining for the purposes of this paragraph whether an applicant or a member of a couple is undertaking any type of exempt work, it is immaterial whether that person or their partner is also undertaking other work.

(7) The specified amount is the amount of money from time to time mentioned in any provision referred to in sub-paragraph (6) by virtue of which the work referred to in sub-paragraph (1) is exempt (or, where more than one such provision is relevant and those provisions mention different amounts of money, the highest of those amounts).

11. Any amount or the balance of any amount which would fall to be disregarded under paragraph 19 or 20 of Schedule 4 had the applicant's income which does not consist of earnings been sufficient to entitle him to the full disregard thereunder.

12. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, his earnings.

13. Any earnings derived from employment, which are payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of those earnings.

14. Where a payment of earnings is made in a currency other than Sterling, any banking charge or commission payable in converting that payment into Sterling.

15. Any earnings of a child or young person.

16. (1) In a case where the applicant is a person who satisfies at least one of the conditions set out in sub-paragraph (2), and his net earnings equal or exceed the total of the amounts set out in sub-paragraph (3), the amount of his earnings that falls to be disregarded under paragraphs 3 to 10A of this Schedule shall be increased by £17.10.

(2) The conditions of this sub-paragraph are that—

(a) the applicant, or if he is a member of a couple, either the applicant or his partner, is a person to whom regulation 20(1)(c) of the Working Tax Credit Regulations applies; or

(b) the applicant—

(i) is, or if he is a member of a couple, at least one member of that couple is aged at least 25 and is engaged in remunerative work for on average not less than 30 hours per week; or

(ii) is a member of a couple and

(aa) at least one member of that couple, is engaged in remunerative work for on average not less than 16 hours per week; and

(bb) his applicable amount includes a family premium; or

(iii) is a lone parent who is engaged in remunerative work for on average not less than 16 hours per week; or

(iv) is, or if he is a member of a couple, at least one member of that couple is engaged in remunerative work for on average not less than 16 hours per week; and;

(aa) the applicant's applicable amount includes a disability premium, the work-related activity component or the support component ;

(bb) where he is a member of a couple, at least one member of that couple satisfies the qualifying conditions for the disability premium or either of the components referred to in sub-head (aa) above and is engaged in remunerative work for on average not less than 16 hours per week.

- (3) The following are the amounts referred to in sub-paragraph (1);
- (a) the amount calculated as disregardable from the applicant's earnings under paragraphs 3 to 10A of this Schedule;
 - (b) the amount of child care charges calculated as deductible under paragraph 17(1)(c); and
 - (c) £17.10
- (4) The provisions of section 6 shall apply in determining whether or not a person works for on average not less than 30 hours per week, but as if the reference to 16 hours in paragraph (1) of that section were a reference to 30 hours.
- 17.** In this Schedule 'part-time employment' means employment in which the person is engaged on average for less than 16 hours a week.

Schedule 4

Sums to be disregarded in the calculation of income other than earnings³⁷

³⁷ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended.

1. Any amount paid by way of tax on income, which is to be taken into account under section 30 (calculation of income other than earnings).
- A2. Any payment made to the claim and in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme, but only for 52 weeks beginning with the date of receipt of the payment.
2. Any payment in respect of any expenses incurred or to be incurred by an applicant who is–
 - (a) engaged by a charitable or voluntary organisation, or
 - (b) volunteer,
 if he otherwise derives no remuneration or profit from the employment and is not to be treated as possessing any earnings under section 32.0 (notional income).
- 2A. Any payment in respect of expenses arising out of the applicant’s participation as a service user.
3. In the case of employment as an employed earner, any payment in respect of expenses wholly, exclusively and necessarily incurred in the performance of the duties of the employment.
4. Where an applicant is on income support, an income-based jobseeker’s allowance or an income-related employment and support allowance the whole of his income.
5. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act and his partner is on an income-based jobseeker’s allowance, the whole of the applicant’s income.
6. Where the applicant, or the person who was the partner of the applicant on 31st March 2003, was entitled on that date to income support or an income-based jobseeker’s allowance but ceased to be so entitled on or before 5th April 2003 by virtue only of regulation 13 of the Housing Benefit (General) Amendment (No. 3) Regulations 1999 as in force at that date, the whole of his income.
7. Any disability living allowance or personal independence payment or AFIP
8. Any concessionary payment made to compensate for the non-payment of;
 - (a) any payment specified in paragraph 7 or 10;
 - (b) income support;
 - (c) an income-based jobseeker’s allowance.
 - (d) an income-related employment and support allowance.
9. Any mobility supplement under article 20 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (including such a supplement by virtue of any other scheme or order) or under article 25A of the Personal Injuries (Civilians) Scheme 1983 or any payment intended to compensate for the non-payment of such a supplement.
10. Any attendance allowance.
11. Any payment to the applicant as holder of the Victoria Cross or of the George Cross or any analogous payment.
12. (1) Any payment–
 - (a) by way of an education maintenance allowance made pursuant to;
 - (i) regulations made under section 518 of the Education Act 1996 (payment of school expenses; grant of scholarships etc);

- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980 (power to assist persons to take advantage of educational facilities);
 - (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992
 - (b) corresponding to such an education maintenance allowance, made pursuant to;
 - (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
 - (ii) regulations made under section 181 of that Act; or
 - (iii) in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
 - (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
 - (a) regulations made under section 518 of the Education Act 1996;
 - (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
 - (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 13.** Any payment made to the applicant by way of a repayment under regulation 11(2) of the Education (Teacher Student Loans) (Repayment etc.) Regulations 2002.
- 14**
- (1) Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990 except a payment;
 - (a) made as a substitute for income support, a jobseeker's allowance, incapacity benefit, severe disablement allowance or an employment and support allowance;
 - (b) of an allowance referred to in section 2(3) of the 1973 Act or section 2(5) of the Enterprise and New Towns (Scotland) Act 1990; or
 - (c) intended to meet the cost of living expenses which relate to any one or more of the items specified in sub-paragraph (2) whilst an applicant is participating in an education, training or other scheme to help him enhance his employment prospects unless the payment is a Career Development Loan paid pursuant to section 2 of the 1973 Act and the period of education or training or the scheme, which is supported by that loan, has been completed.
 - (2) The items specified in this sub-paragraph for the purposes of sub-paragraph (1)(c) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- 15**
- (1) Subject to sub-paragraph (2), any of the following payments;
 - (a) a charitable payment;
 - (b) a voluntary payment;
 - (c) a payment (not falling within sub-paragraph (a) or (b) above) from a trust whose funds are derived from a payment made in consequence of any personal injury to the applicant;
 - (d) a payment under an annuity purchased;
 - (i) pursuant to any agreement or court order to make payments to the applicant; or
 - (ii) from funds derived from a payment made, in consequence of any personal injury to the applicant; or
 - (e) a payment (not falling within sub-paragraphs (a) to (d) received by virtue of any agreement or court order to make payments to the applicant in consequence of

any personal injury to the applicant.

- (2) Sub-paragraph (1) shall not apply to a payment, which is made or due to be made by–
 - (a) a former partner of the applicant, or a former partner of any member of the applicant's family; or
 - (b) the parent of a child or young person where that child or young person is a member of the applicant's family.
- 16.** 100% of any of the following, namely
 - (a) a war disablement pension (except insofar as such a pension falls to be disregarded under paragraph 9 or 10);
 - (b) a war widow's pension or war widower's pension;
 - (c) a pension payable to a person as a widow, widower or surviving civil partner under any power of His Majesty otherwise than under an enactment to make provision about pensions for or in respect of persons who have been disabled or have died in consequence of service as members of the armed forces of the Crown;
 - (d) a guaranteed income payment;
 - (e) a payment made to compensate for the non-payment of such a pension or payment as is mentioned in any of the preceding sub-paragraphs;
 - (f) a pension paid by the government of a country outside Great Britain which is analogous to any of the pensions or payments mentioned in sub-paragraphs (a) to (d) above;
 - (g) pension paid to victims of National Socialist persecution under any special provision made by the law of the Federal Republic of Germany, or any part of it, or of the Republic of Austria.
- 17.** Subject to paragraph 35, £15 of any;
 - (a) widowed mother's allowance paid pursuant to section 37 of the Act;
 - (b) widowed parent's allowance paid pursuant to section 39A of the Act.
- 18.** (1) Any income derived from capital to which the applicant is or is treated under section 41 (capital jointly held) as beneficially entitled but, subject to sub- paragraph (2), not income derived from capital disregarded under paragraphs 1, 2, 4, 8, 14 or 25 to 28 of Schedule 5.
(2) Income derived from capital disregarded under paragraphs 2, 4 or 25 to 28 of Schedule 5 but only to the extent of–
 - (a) any mortgage repayments made in respect of the dwelling or premises in the period during which that income accrued; or
 - (b) any council tax or water charges which the applicant is liable to pay in respect of the dwelling or premises and which are paid in the period during which that income accrued.

(3) The definition of 'water charges' in paragraph 2(1) shall apply to sub-paragraph (2) of this paragraph with the omission of the words 'in so far as such charges are in respect of the dwelling which a person occupies as his home'.
- 19.** Where the applicant makes a parental contribution in respect of a student attending a course at an establishment in the United Kingdom or undergoing education in the United Kingdom, which contribution has been assessed for the purposes of calculating–
 - (a) under, or pursuant to regulations made under powers conferred by, sections 1 or 2 of the Education Act 1962 or section 22 of the Teaching and Higher Education Act 1998, that student's award;
 - (b) under regulations made in exercise of the powers conferred by section 49 of the Education (Scotland) Act 1980, that student's bursary, scholarship, or other allowance under that section or under regulations made in exercise of the powers conferred by section 73 of that Act of 1980, any payment to that student under that section; or
 - (c) the student's student loan,an amount equal to the weekly amount of that parental contribution, but only in respect of the period for which that contribution is assessed as being payable.

- 20.** (1) Where the applicant is the parent of a student aged under 25 in advanced education who either;
- (a) is not in receipt of any award, grant or student loan in respect of that education; or
 - (b) is in receipt of an award under section 2 of the Education Act 1962 (discretionary awards) or an award bestowed by virtue of the Teaching and Higher Education Act 1998, or regulations made thereunder, or a bursary, scholarship or other allowance under section 49(1) of the Education (Scotland) Act 1980, or a payment under section 73 of that Act of 1980,
- and the applicant makes payments by way of a contribution towards the student's maintenance, other than a parental contribution falling within paragraph 19, an amount specified in sub-paragraph (2) in respect of each week during the student's term.
- (2) For the purposes of sub-paragraph (1), the amount shall be equal to–
- (a) the weekly amount of the payments; or
 - (b) the amount by way of a personal allowance for a single applicant under 25 less the weekly amount of any award, bursary, scholarship, allowance or payment referred to in sub-paragraph (1)(b),
- whichever is less.
- 21.** Any payment made to the applicant by a child or young person or a non-dependant.
- 22.** Where the applicant occupies a dwelling as his home and the dwelling is also occupied by a person other than one to whom paragraph 21 or 23 refers and there is a contractual liability to make payments to the applicant in respect of the occupation of the dwelling by that person or a member of his family–
- (a) where the aggregate of any payments made in respect of any one week in respect of the occupation of the dwelling by that person or a member of his family, or by that person and a member of his family, is less than £20, the whole of that amount; or
 - (b) where the aggregate of any such payments is £20 or more per week, £20.
- 23.** (1) Where the applicant occupies a dwelling as his home and he provides in that dwelling board and lodging accommodation, an amount, in respect of each person for which such accommodation is provided for the whole or any part of a week, equal to–
- (a) where the aggregate of any payments made in respect of any one week in respect of such accommodation provided to such person does not exceed £20.00, 100 per cent. of such payments;
 - (b) where the aggregate of any such payments exceeds £20.00, £20.00 and 50 per cent. of the excess over £20.00.
- (2) In this paragraph, 'board and lodging accommodation' means accommodation provided to a person or, if he is a member of a family, to him or any other member of his family, for a charge which is inclusive of the provision of that accommodation and at least some cooked or prepared meals which both are cooked or prepared (by a person other than the person to whom the accommodation is provided or a member of his family) and are consumed in that accommodation or associated premises.
- 24.** (1) Any income in kind, except where regulation 30(11)(b) (provision of support under section 95 or 98 of the Immigration and Asylum Act in the calculation of income other than earnings) applies.
- (2) The reference in sub-paragraph (1) to 'income in kind' does not include a payment to a third party made in respect of the applicant which is used by the third party to provide benefits in kind to the applicant.
- 25.** Any income which is payable in a country outside the United Kingdom for such period during which there is a prohibition against the transfer to the United Kingdom of that income.
- 26.** (1) Any payment made to the applicant in respect of a person who is a member of his family–

- (a) pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002 or in accordance or with a scheme approved by the Scottish Ministers under section 51A of the Adoption (Scotland) Act 1978(b) (schemes for payments of allowances to adopters); or in accordance with an Adoption Allowance Scheme made under section 71 of the Adoption and Children (Scotland) Act 2007 (Adoption Allowances Schemes)
 - (b) not used
 - (ba) which is a payment made by a local authority in pursuance of section 15(1) of, and paragraph 15 of Schedule 1 to, the Children Act 1989 (local authority contribution to a child's maintenance where the child is living with a person as a result of a residence order) or in Scotland section 50 of the Children Act 1975 (payments towards maintenance of children);
 - (c) which is a payment made by an authority, as defined in Article 2 of the Children Order, in pursuance of Article 15 of, and paragraph 17 of Schedule 1 to, that Order (contribution by an authority to child's maintenance);
 - (d) in accordance with regulations made pursuant to section 14F of the Children Act 1989(c) (special guardianship support services);
- (2) Any payment, other than a payment to which sub-paragraph (1)(a) applies, made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.
- 27.** Any payment made to the applicant with whom a person is accommodated by virtue of arrangements made
- (a) by a local authority under–
 - (i) section 23(2)(a) of the Children Act 1989 (provision of accommodation and maintenance for a child whom they are looking after),
 - (ii) section 26 of the Children (Scotland) Act 1995 (manner of provision of accommodation to child looked after by local authority), or
 - (iii) regulations 33 or 51 of the Looked After Children (Scotland) Regulations 2009 (fostering and kinship care allowances and fostering allowances); or
 - (b) by a voluntary organisation under section 59(1)(a) of the Children Act 1989 (provision of accommodation by voluntary organisations).
- 28.** Any payment made to the applicant or his partner for a person ('the person concerned'), who is not normally a member of the applicant's household but is temporarily in his care, by–
- (a) a health authority;
 - (b) a local authority but excluding payments of housing benefit made in respect of the person concerned;
 - (c) a voluntary organisation;
 - (d) the person concerned pursuant to section 26(3A) of the National Assistance Act 1948;
 - (e) a primary care trust established under section 16A of the National Health Service Act 1977 or established by an order made under section 18(2)(c) of the National Health Service Act 2006; or
 - (f) a Local Health Board established under section 16BA of the National Health Service Act 1977 or established by an order made under section 11 of the National Health Service (Wales) Act 2006
- 29.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or section 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 29A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989(e) or section 29 of the Children (Scotland) Act 1995(local authorities' duty to promote welfare of children and powers to grant financial assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

- (2) Sub-paragraph (1) applies only where A;
- (a) was formerly in the applicant's care, and
 - (b) is aged 18 or over, and
 - (c) continues to live with the applicant.
- 30.** (1) Subject to sub-paragraph (2), any payment received under an insurance policy taken out to insure against the risk of being unable to maintain repayments;
- (a) on a loan which is secured on the dwelling which the applicant occupies as his home; or
 - (b) under a regulated agreement as defined for the purposes of the Consumer Credit Act 1974 or under a hire-purchase agreement or a conditional sale agreement as defined for the purposes of Part 3 of the Hire-Purchase Act 1964.
- (2) A payment referred to in sub-paragraph (1) shall only be disregarded to the extent that the payment received under that policy does not exceed the amounts, calculated on a weekly basis, which are used to—
- (a) maintain the repayments referred to in sub-paragraph (1)(a) or, as the case may be, (b); and
 - (b) meet any amount due by way of premiums on—
 - (i) that policy; or
 - (ii) in a case to which sub-paragraph(1)(a) applies, an insurance policy taken out to insure against loss or damage to any building or part of a building which is occupied by the applicant as his home, and which is required as a condition of the loan referred to in sub-paragraph (1)(a).
- 31.** Any payment of income which, by virtue of section 36 (income treated as capital) is to be treated as capital.
- 32.** Any social fund payment made pursuant to Part 8 of the Act (the Social Fund).
- 33.** Any payment under Part 10 of the Act (Christmas bonus for pensioners).
- 34.** Where a payment of income is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 35.** The total of an applicant's income or, if he is a member of a family, the family's income and the income of any person which he is treated as possessing under paragraph 15.2 (calculation of income and capital of members of applicant's family and of a polygamous marriage) to be disregarded under paragraph 47.2(b) and paragraph 48.1(d) (calculation of covenant income where a contribution assessed, covenant income where no grant income or no contribution is assessed), paragraph 51(2) (treatment of student loans), paragraph 52(3) (treatment of payments from access funds) and paragraphs 16 and 17 shall in no case exceed £20 per week.
- 36.** (1) Any payment made under or by any of the Trusts, the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- (2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—
- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
 - (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
 - (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.
- (3) Any payment by or on behalf of the partner or former partner of a person who is suffering

or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of;

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the date of the payment is a child, a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,

but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where;

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either
 - (i) to that person's parent or step-parent, or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,

but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any income which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited, the Skipton Fund, the Caxton Foundation and the London Bombings Relief Charitable Fund.

37. Any housing benefit.

38. Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.

39. - 40. not used

41. Any payment to a juror or witness in respect of attendance at a court other than compensation for loss of earnings or for the loss of a benefit payable under the benefit Acts.

42. Not used
43. Any payment in consequence of a reduction of council tax under section 13 or section 80 of the 1992 Act (reduction of liability for council tax).
44. Not used
45. (1) Any payment or repayment made–
 (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies).
 (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment or repayment, mentioned in sub-paragraph (1).
46. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins).
47. Any payment made by either the Secretary of State for Justice or by the Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody.
48. (1) Where an applicant's applicable amount includes an amount by way of a family premium, £15 of any payment of maintenance, whether under a court order or not, which is made or due to be made by the applicant's former partner, or the applicant's partner's former partner.
 (2) For the purpose of sub-paragraph (1) where more than one maintenance payment falls to be taken into account in any week, all such payments such be aggregated and treated as if they were a single payment.
 (3) A payment made by the Secretary of State in lieu of maintenance shall, for the purpose of sub-paragraph (1), be treated as a payment of maintenance made by a person specified in sub-paragraph (1).
49. Not used
50. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
51. Any guardian's allowance.
52. (1) If the applicant is in receipt of any benefit under Parts 2, 3 or 5 of the Act, any increase in the rate of that benefit arising under Part 4 (increases for dependants) or section 106(a) (unemployability supplement) of the Act, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.
 (2) If the applicant is in receipt of any pension or allowance under Part 2 or 3 of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006, any increase in the rate of that pension or allowance under that Order, where the dependant in respect of whom the increase is paid is not a member of the applicant's family.

- 53.** Any supplementary pension under article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (pensions to surviving spouses and surviving civil partners) and any analogous payment made by the Secretary of State for Defence to any person who is not a person entitled under that Order.
- 54.** In the case of a pension awarded at the supplementary rate under article 27(3) of the Personal Injuries (Civilians) Scheme 1983(a) (pensions to widows, widowers or surviving civil partners), the sum specified in paragraph 1(c) of Schedule 4 to that Scheme.
- 55** (1) Any payment which is
 (a) made under any of the Dispensing Instruments to a widow, widower or
 (b) surviving civil partner of a person;
 (i) whose death was attributable to service in a capacity analogous to service as a member of the armed forces of the Crown; and
 (ii) whose service in such capacity terminated before 31st March 1973; and equal to the amount specified in article 23(2) of the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006.
 (2) In this paragraph 'the Dispensing Instruments' means the Order in Council of 19th December 1881, the Royal Warrant of 27th October 1884 and the Order by His Majesty of 14th January 1922 (exceptional grants of pay, non-effective pay and allowances).
- 55A.** Any council tax reduction or council tax benefit to which the applicant is entitled.
- 56.** Except in a case which falls under sub-paragraph (1) of paragraph 16 of Schedule 3, where the applicant is a person who satisfies any of the conditions of sub-paragraph (2) of that paragraph, any amount of working tax credit up to £17.10
- 56A.–56B.** Not used
- 57.** Any payment made under section 12B of the Social Work (Scotland) Act 1968, or under sections 12A to 12D of the National Health Service Act 2006 (direct payments for health care) or under regulations made under section 57 of the Health and Social Care Act 2001 (direct payments).
- 58.** (1) Subject to sub-paragraph (2), in respect of a person who is receiving, or who has received, assistance under the self-employment route, any payment to that person—
 (a) to meet expenses wholly and necessarily incurred whilst carrying on the commercial activity;
 (b) which is used or intended to be used to maintain repayments on a loan taken out by that person for the purpose of establishing or carrying on the commercial activity, in respect of which such assistance is or was received.
 (2) Sub-paragraph (1) shall apply only in respect of payments, which are paid to that person from the special account
- 59.** (1) Any payment of a sports award except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
 (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
 (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 60.** Where the amount of subsistence allowance paid to a person in a reduction week exceeds the amount of income-based jobseeker's allowance that person would have received in that reduction week had it been payable to him, less 50p, that excess amount.

61. In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise.
62. Any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001 as amended by the Welfare Reform Act 2012 (Consequential Amendments) Regulations 2013.
63. (1) Any payment made by a local authority or by the Welsh Ministers to or on behalf of the applicant or his partner relating to a service which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.
(2) For the purposes of sub-paragraph (1) 'local authority' includes, in England, a county council.
64. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(a) an applicant's entitlement to a reduction under the scheme; or
(b) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.
65. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)
66. Any payment of child benefit.

Schedule 5
Capital to be disregarded³⁸

³⁸ Any amounts shown in this schedule will be updated in line with the Housing Benefit Regulations 2006 as amended.

1. The dwelling together with any garage, garden and outbuildings, normally occupied by the applicant as his home including any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular 5, in Scotland, any croft land on which the dwelling is situated; but, notwithstanding section 15 (calculation of income and capital of members of applicant's family and of polygamous marriage), only one dwelling shall be disregarded under this paragraph.
- A2. Any payment made to the applicant in respect of any travel or other expenses incurred, or to be incurred, by him in respect of his participation in the Mandatory Work Activity Scheme but only for 52 weeks beginning with the date of receipt of the payment.
- A3. Any payment made to the applicant in respect of any travel or other expenses incurred or to be incurred, by him in respect of his participation in the Employment, Skills, and Enterprise Scheme or Back to Work Scheme but only for 52 weeks beginning with the date of receipt of the payment but only for 52 weeks beginning with the date of receipt of payment.
2. Any premises acquired for occupation by the applicant, which he intends to occupy as his home within 26 weeks of the date of acquisition or such longer period as is reasonable in the circumstances to enable the applicant to obtain possession and commence occupation of the premises.
3. Any sum directly attributable to the proceeds of sale of any premises formerly occupied by the applicant as his home which is to be used for the purchase of other premises intended for such occupation within 26 weeks of the date of sale or such longer period as is reasonable in the circumstances to enable the applicant to complete the purchase.
4. Any premises occupied in whole or in part–
 - (a) by a partner or relative of a single applicant or any member of the family as his home where that person has attained the qualifying age for state pension credit or is incapacitated;
 - (b) by the former partner of the applicant as his home; but this provision shall not apply where the former partner is a person from whom the applicant is estranged or divorced or with whom he had formed a civil partnership that has been dissolved.
5. Where an applicant is on income support, an income-based jobseeker's allowance or an income-related employment and support allowance, the whole of his capital.
6. Where the applicant is a member of a joint-claim couple for the purposes of the Jobseekers Act 1995 and his partner is on income-based jobseeker's allowance, the whole of the applicant's capital.
7. Any future interest in property of any kind, other than land or premises in respect of which the applicant has granted a subsisting lease or tenancy, including sub- leases or sub-tenancies.
8. (1) The assets of any business owned in whole or in part by the applicant and for the purposes of which he is engaged as a self-employed earner, or if he has ceased to be so engaged, for such period as may be reasonable in the circumstances to allow for disposal of any such asset.
 (2) The assets of any business owned in whole or in part by the applicant where–
 - (a) he is not engaged as a self-employed earner in that business by reason of some disease or bodily or mental disablement; but
 - (b) he intends to become engaged or, as the case may be, re-engaged as a self-employed earner in that business as soon as he recovers or is able to become engaged or re-engaged in that business;

for a period of 26 weeks from the date on which the claim for council tax reduction is made, or is treated as made, or, if it is unreasonable to expect him to become engaged

or re-engaged in that business within that period, for such longer period as is reasonable in the circumstances to enable him to become so engaged or re-engaged.

(3) In the case of a person who is receiving assistance under the self-employment route, the assets acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is being received.

(3) In the case of a person who has ceased carrying on the commercial activity in respect of which assistance was received as specified in sub-paragraph (3), the assets relating to that activity for such period as may be reasonable in the circumstances to allow for disposal of any such asset.

9. (1) Subject to sub-paragraph (2), any arrears of, or any concessionary payment made to compensate for arrears due to the non-payment of;
- (a) any payment specified in paragraphs 7, 9 or 10 of Schedule 4;
 - (b) an income-related benefit under Part 7 of the Act;
 - (c) an income-based jobseeker's allowance;
 - (d) any discretionary housing payment paid pursuant to regulation 2(1) of the Discretionary Financial Assistance Regulations 2001;
 - (e) working tax credit and child tax credit
 - (f) an income-related employment and support allowance

but only for a period of 52 weeks from the date of the receipt of arrears or of the concessionary payment.

(2) In a case where the total of any arrears and, if appropriate, any concessionary payment referred to in sub-paragraph (1) relating to one of the specified payments, benefits or allowances amounts to £5,000 or more (referred to in this sub-paragraph and in sub-paragraph (3) as 'the relevant sum') and is

- (a) paid in order to rectify or to compensate for, an official error as defined in regulation 1(2) of the Decisions and Appeals Regulations; and
- (b) received by the applicant in full on or after 14th October 2001,

sub-paragraph (1) shall have effect in relation to such arrears or concessionary payment either for a period of 52 weeks from the date of receipt, or, if the relevant sum is received in its entirety during the award of council tax reduction, for the remainder of that award if that is a longer period.

(3) For the purposes of sub-paragraph(2), 'the award of council tax reduction' means—

- (a) the award in which the relevant sum is first received (or the first part thereof where it is paid in more than one instalment); and
- (b) where that award is followed by one or more further awards which, or each of which, begins immediately after the end of the previous award, such further award provided that for that further award the applicant;
 - (i) is the person who received the relevant sum; or
 - (ii) is the partner of the person who received the relevant sum or was that person's partner at the date of his death.

10. Any sum
- (a) paid to the applicant in consequence of damage to, or loss of the home or any personal possession and intended for its repair or replacement; or
 - (b) acquired by the applicant (whether as a loan or otherwise) on the express condition that it is to be used for effecting essential repairs or improvement to the home, which is to be used for the intended purpose, for a period of 26 weeks from the date on which it was so paid or acquired or such longer period as is reasonable in the circumstances to effect the repairs, replacement or improvement.

- 11.** Any sum—
- (a) deposited with a housing association as defined in section 1(1) of the Housing Associations Act 1985 or section 338(1) of the Housing (Scotland) Act 1987 as a condition of occupying the home;
 - (b) which was so deposited, and which is to be used for the purchase of another home,
- for the period of 26 weeks or such longer period as may be reasonable in the circumstances to enable the applicant to complete the purchase.
- 12.** Any personal possessions except those which have been acquired by the applicant with the intention of reducing his capital in order to secure entitlement to council tax reduction or to increase the amount of that support.
- 13.** The value of the right to receive any income under an annuity or the surrender value (if any) of such an annuity.
- 14.** Where the funds of a trust are derived from a payment made in consequence of any personal injury to the applicant or applicant's partner, the value of the trust fund and the value of the right to receive any payment under that trust.
- 14A.** (1) Any payment made to the applicant or the applicant's partner in consequence of any personal injury to the applicant or, as the case may be, the applicant's partner.
- (2) But sub-paragraph (1)
- (a) applies only for the period of 52 weeks beginning with the day on which the applicant first receives any payment in consequence of that personal injury;
 - (b) does not apply to any subsequent payment made to him in consequence of that injury (whether it is made by the same person or another);
 - (c) ceases to apply to the payment or any part of the payment from the day on which the applicant no longer possesses it;
 - (d) does not apply to any payment from a trust where the funds of the trust are derived from a payment made in consequence of any personal injury to the applicant.
- (3) For the purposes of sub-paragraph (2)(c), the circumstances in which an applicant no longer possesses a payment or a part of it include where the applicant has used a payment or part of it to purchase an asset.
- (4) References in sub-paragraphs (2) and (3) to the applicant are to be construed as including references to his partner (where applicable).
- 15.** The value of the right to receive any income under a life interest or from a life rent.
- 16.** The value of the right to receive any income, which is disregarded under paragraph 13 of Schedule 3 or paragraph 25 of Schedule 4.
- 17.** The surrender value of any policy of life insurance.
- 18.** Where any payment of capital falls to be made by instalments, the value of the right to receive any outstanding instalments.
- 19.** Any payment made by a local authority in accordance with section 17, 23B, 23C or 24A of the Children Act 1989 or, as the case may be, section 12 of the Social Work (Scotland) Act 1968 or sections 22, 29 or 30 of the Children (Scotland) Act 1995 (provision of services for children and their families and advice and assistance to certain children).
- 19A.** (1) Subject to sub-paragraph (2), any payment (or part of a payment) made by a local authority in accordance with section 23C of the Children Act 1989 or section 29 of the Children (Scotland) Act 1995 (local authorities' duty to promote welfare of children and powers to grant financial

assistance to persons in, or formerly in, their care) to a person ('A') which A passes on to the applicant.

(2) Sub-paragraph (1) applies only where A;

- (a) was formerly in the applicant's care, and
- (b) is aged 18 or over, and
- (c) continues to live with the applicant.

- 20.** Any social fund payment made pursuant to Part 8 of the Act.
- 21.** Any refund of tax which falls to be deducted under section 369 of the Income and Corporation Taxes Act 1988 (deduction of tax from certain loan interest) on a payment of relevant loan interest for the purpose of acquiring an interest in the home or carrying out repairs or improvements to the home.
- 22.** Any capital which, by virtue of sections 31 or 51 (capital treated as income, treatment of student loans) is to be treated as income.
- 23.** Where any payment of capital is made in a currency other than sterling, any banking charge or commission payable in converting that payment into sterling.
- 24.** (1) Any payment made under or by the Trusts, the Fund, the Eileen Trust, MFET Limited, the Independent Living Fund (2006), the Skipton Fund, the Caxton Foundation or the Charitable Fund.

(2) Any payment by or on behalf of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) that person's partner or former partner from whom he is not, or where that person has died was not, estranged or divorced or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person's death;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(3) Any payment by or on behalf of the partner or former partner of a person who is suffering or who suffered from haemophilia or who is or was a qualifying person provided that the partner or former partner and that person are not, or if either of them has died were not, estranged or divorced or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death, which derives from a payment made under or by any of the Trusts to which sub-paragraph (1) refers and which is made to or for the benefit of—

- (a) the person who is suffering from haemophilia or who is a qualifying person;
- (b) any child who is a member of that person's family or who was such a member and who is a member of the applicant's family; or
- (c) any young person who is a member of that person's family or who was such a member and who is a member of the applicant's family.

(4) Any payment by a person who is suffering from haemophilia or who is a qualifying person, which derives from a payment under or by any of the Trusts to which sub-paragraph (1) refers, where—

- (a) that person has no partner or former partner from whom he is not estranged or divorced or with whom he has formed a civil partnership that has not been dissolved, nor any child or young person who is or had been a member of that person's family; and

- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the date of the payment is a child ,a young person or a student who has not completed his full-time education and has no parent or step-parent, to his guardian,
but only for a period from the date of the payment until the end of two years from that person's death.

(5) Any payment out of the estate of a person who suffered from haemophilia or who was a qualifying person, which derives from a payment under or any of the Trusts to which sub-paragraph (1) refers, where

- (a) that person at the date of his death (the relevant date) had no partner or former partner from whom he was not estranged or divorced or with whom he had formed a civil partnership that had not been dissolved, nor any child or young person who was or had been a member of his family; and
- (b) the payment is made either;
 - (i) to that person's parent or step-parent; or
 - (ii) where that person at the relevant date was a child, a young person or a student who had not completed his full-time education and had no parent or step-parent, to his guardian,
but only for a period of two years from the relevant date.

(6) In the case of a person to whom or for whose support payment referred to in this paragraph is made, any capital resource which derives from any payment of income or capital made under or deriving from any of the Trusts.

(7) For the purposes of sub-paragraphs (2) to (6), any reference to the Trusts shall be construed as including a reference to the Fund, the Eileen Trust, MFET Limited the Skipton Fund , the Caxton Foundation, and the London Bombings Relief Charitable Fund.

25. (1) Where an applicant has ceased to occupy what was formerly the dwelling occupied as the home following his estrangement or divorce from, or dissolution of his civil partnership with, his former partner, that dwelling for a period of 26 weeks from the date on which he ceased to occupy that dwelling or, where the dwelling is occupied as the home by the former partner who is a lone parent, for so long as it is so occupied.

(2) In this paragraph 'dwelling' includes any garage, garden and outbuildings, which were formerly occupied by the applicant as his home and any premises not so occupied which it is impracticable or unreasonable to sell separately, in particular, in Scotland, any croft land on which the dwelling is situated.

26. Any premises where the applicant is taking reasonable steps to dispose of those premises, for a period of 26 weeks from the date on which he first took such steps, or such longer period as is reasonable in the circumstances to enable him to dispose of those premises.

27. Any premises which the applicant intends to occupy as his home, and in respect of which he is taking steps to obtain possession and has sought legal advice, or has commenced legal proceedings, with a view to obtaining possession, for a period of 26 weeks from the date on which he first sought such advice or first commenced such proceedings whichever is the earlier, or such longer period as is reasonable in the circumstances to enable him to obtain possession and commence occupation of those premises.

28. Any premises which the applicant intends to occupy as his home to which essential repairs or alterations are required in order to render them fit for such occupation, for a period of 26 weeks from the date on which the applicant first takes steps to effect those repairs or alterations, or such longer period as is necessary to enable those repairs or alterations to be carried out.

- 29.** Any payment made by the Secretary of State to compensate for the loss (in whole or in part) of entitlement to housing benefit.
- 30.** Not used
- 31.** The value of the right to receive an occupational or personal pension.
- 32.** The value of any funds held under a personal pension scheme
- 33.** The value of the right to receive any rent except where the applicant has a reversionary interest in the property in respect of which rent is due.
- 34.** Any payment in kind made by a charity or under or by the Trusts, the Fund, MFET Limited, the Skipton Fund, the Caxton Foundation or the Independent Living Fund (2006).
- 35.** Any payment made pursuant to section 2 of the 1973 Act or section 2 of the Enterprise and New Towns (Scotland) Act 1990, but only for the period of 52 weeks beginning on the date of receipt of the payment.
- 36.** Not used.
- 37.** Any payment in consequence of a reduction of council tax under section 13 or, as the case may be, section 80 of the Local Government Finance Act 1992 (reduction of liability for council tax), but only for a period of 52 weeks from the date of the receipt of the payment.
- 38.** Any grant made in accordance with a scheme made under section 129 of the Housing Act 1988 or section 66 of the Housing (Scotland) Act 1988 (schemes for payments to assist local housing authority and local authority tenants to obtain other accommodation) which is to be used—
- (a) to purchase premises intended for occupation as his home; or
 - (b) to carry out repairs or alterations which are required to render premises fit for occupation as his home,
- for a period of 26 weeks from the date on which he received such a grant or such longer period as is reasonable in the circumstances to enable the purchase, repairs or alterations to be completed and the applicant to commence occupation of those premises as his home.
- 39.** Any arrears of supplementary pension which is disregarded under paragraph 53 of Schedule 4 (sums to be disregarded in the calculation of income other than earnings) or of any amount which is disregarded under paragraph 54 or 55 of that Schedule, but only for a period of 52 weeks from the date of receipt of the arrears.
- 40.** (1) Any payment or repayment made—
- (a) as respects England, under regulation 5, 6 or 12 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (travelling expenses and health service supplies);
 - (b) as respects Wales, under regulation 5, 6 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Wales) Regulations 2007 (travelling expenses and health service supplies);
 - (c) as respects Scotland, under regulation 3, 5 or 11 of the National Health Service (Travelling Expenses and Remission of Charges) (Scotland) (No. 2) Regulations 2003 (travelling expenses and health service supplies),
- but only for a period of 52 weeks from the date of receipt of the payment or repayment.
- (2) Any payment or repayment made by the Secretary of State for Health, the Scottish Ministers or the Welsh Ministers, which is analogous to a payment, or repayment mentioned in subparagraph (1), but only for a period of 52 weeks from the date of the receipt of the payment or repayment.

41. Any payment made to such persons entitled to receive benefits as may be determined by or under a scheme made pursuant to section 13 of the Social Security Act 1988 in lieu of vouchers or similar arrangements in connection with the provision of those benefits (including payments made in place of healthy start vouchers, milk tokens or the supply of vitamins), but only for a period of 52 weeks from the date of receipt of the payment.
- 41A. Any payment made under Part 8A of the Act (entitlement to health in pregnancy grant).
42. Any payment made either by the Secretary of State for Justice or by Scottish Ministers under a scheme established to assist relatives and other persons to visit persons in custody, but only for a period of 52 weeks from the date of the receipt of the payment.
43. Any payment (other than a training allowance) made, whether by the Secretary of State or any other person, under the Disabled Persons (Employment) Act 1944 to assist disabled persons to obtain or retain employment despite their disability.
44. Not used
45. Any payment made by a local authority under section 3 of the Disabled Persons (Employment) Act 1958 to homeworkers assisted under the Blind Homeworkers' Scheme.
46. (1) Subject to sub-paragraph (2), where an applicant satisfies the conditions in section 131(3) and (6) of the Act (entitlement to alternative maximum council tax reduction), the whole of his capital.
(2) Where in addition to satisfying the conditions in section 131(3) and (6) of the Act the applicant also satisfies the conditions in section 131(4) and (5) of the Act (entitlement to the maximum council tax reduction), sub-paragraph (1) shall not have effect.
47. (1) Any sum of capital to which sub-paragraph (2) applies and
(a) which is administered on behalf of a person by the High Court or the County Court under Rule 21.11(1) of the Civil Procedure Rules 1998 or by the Court of Protection;
(b) which can only be disposed of by order or direction of any such court; or
(c) where the person concerned is under the age of 18, which can only be disposed of by order or direction prior to that person attaining age 18.
(2) This sub-paragraph applies to a sum of capital which is derived from;
(a) an award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
48. Any sum of capital administered on behalf of a person in accordance with an order made under section 13 of the Children (Scotland) Act 1995, or under Rule 36.14 of the Ordinary Cause Rules 1993 or under Rule 128 of those Rules, where such sum derives from
(a) award of damages for a personal injury to that person; or
(b) compensation for the death of one or both parents where the person concerned is under the age of 18.
49. Any payment to the applicant as holder of the Victoria Cross or George Cross.
50. **Provision for all applicants: Homes for Ukraine scheme**
(1) Any payment made in connection with the Homes for Ukraine scheme is to be disregarded in determining—
(c) an applicant's entitlement to a reduction under the scheme; or
(d) the amount of any reduction to which the applicant is entitled.
(2) In this regulation—
"the Homes for Ukraine scheme" means the Homes for Ukraine sponsorship scheme which was announced in Parliament by the Secretary of State for Levelling Up, Housing and Communities on 14th March 2022.

- 51.** In the case of a person who is receiving, or who has received, assistance under the self-employment route, any sum of capital which is acquired by that person for the purpose of establishing or carrying on the commercial activity in respect of which such assistance is or was received but only for a period of 52 weeks from the date on which that sum was acquired.
- 52.** (1) Any payment of a sports award for a period of 26 weeks from the date of receipt of that payment except to the extent that it has been made in respect of any one or more of the items specified in sub-paragraph (2).
- (2) The items specified for the purposes of sub-paragraph (1) are food, ordinary clothing or footwear, household fuel or rent of the applicant or, where the applicant is a member of a family, any other member of his family, or any council tax or water charges for which that applicant or member is liable.
- (3) For the purposes of sub-paragraph (2) 'food' does not include vitamins, minerals or other special dietary supplements intended to enhance the performance of the person in the sport in respect of which the award was made.
- 53.** (1) Any payment;
- (a) by way of an education maintenance allowance made pursuant to–
- (i) regulations made under section 518 of the Education Act 1996;
- (ii) regulations made under section 49 or 73(f) of the Education (Scotland) Act 1980;
- (iii) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992;
- (b) corresponding to such an education maintenance allowance, made pursuant to;
- (i) section 14 or section 181 of the Education Act 2002 (power of Secretary of State and National Assembly for Wales to give financial assistance for purposes related to education or childcare, and allowances in respect of education or training); or
- (ii) regulations made under section 181 of that Act ;
- or in England, by way of financial assistance made pursuant to section 14 of the Education Act 2002.
- (2) Any payment, other than a payment to which sub-paragraph (1) applies, made pursuant to;
- (a) regulations made under section 518 of the Education Act 1996;
- (b) regulations made under section 49 of the Education (Scotland) Act 1980; or
- (c) directions made under section 73ZA of the Education (Scotland) Act 1980 and paid under section 12(2)(c) of the Further and Higher Education (Scotland) Act 1992, in respect of a course of study attended by a child or a young person or a person who is in receipt of an education maintenance allowance or other payment made pursuant to any provision specified in sub-paragraph (1).
- 54.** In the case of an applicant participating in an employment zone programme, any discretionary payment made by an employment zone contractor to the applicant, being a fee, grant, loan or otherwise, but only for the period of 52 weeks from the date of receipt of the payment.
- 55.** Any arrears of subsistence allowance paid as a lump sum but only for the period of 52 weeks from the date of receipt of the payment.
- 56.** Where an ex-gratia payment of £10,000 has been made by the Secretary of State on or after 1st February 2001 in consequence of the imprisonment or interment of–
- (a) the applicant;
- (b) the applicant's partner;
- (c) the applicant's deceased spouse or deceased civil partner; or
- (d) the applicant's partner's deceased spouse or deceased civil partner,
- by the Japanese during the Second World War, £10,000.

57. (1) Subject to sub-paragraph (2), the amount of any trust payment made to an applicant or a member of an applicant's family who is
- (a) a diagnosed person;
 - (b) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (c) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (d) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death.
- (2) Where a trust payment is made to;
- (a) a person referred to in sub-paragraph (1)(a) or (b), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (1)(c), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending two years after that date;
 - (c) a person referred to in sub-paragraph (1)(d), that sub-paragraph shall apply for the period beginning on the date on which the trust payment is made and ending–
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person–
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
- whichever is the latest.
- (3) Subject to sub-paragraph (4), the amount of any payment by a person to whom a trust payment has been made or of any payment out of the estate of a person to whom a trust payment has been made, which is made to an applicant or a member of an applicant's family who is–
- (a) the diagnosed person's partner or the person who was the diagnosed person's partner at the date of the diagnosed person's death;
 - (b) a parent of a diagnosed person, a person acting in place of the diagnosed person's parents or a person who was so acting at the date of the diagnosed person's death; or
 - (c) a member of the diagnosed person's family (other than his partner) or a person who was a member of the diagnosed person's family (other than his partner) at the date of the diagnosed person's death, but only to the extent that such payments do not exceed the total amount of any trust payments made to that person.
- (4) Where a payment as referred to in sub-paragraph (3) is made to–
- (a) a person referred to in sub-paragraph (3)(a), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending on the date on which that person dies;
 - (b) a person referred to in sub-paragraph (3)(b), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending two years after that date; or
 - (c) person referred to in sub-paragraph (3)(c), that sub-paragraph shall apply for the period beginning on the date on which that payment is made and ending–
 - (i) two years after that date; or
 - (ii) on the day before the day on which that person
 - (aa) ceases receiving full-time education; or
 - (bb) attains the age of 20,
- whichever is the latest.
- (5) In this paragraph, a reference to a person–

(a) being the diagnosed person's partner;
(b) being a member of a diagnosed person's family;
(c) acting in place of the diagnosed person's parents,
at the date of the diagnosed person's death shall include a person who would have been such a person or a person who would have been so acting, but for the diagnosed person residing in a care home, an Abbeyfield Home or an independent hospital on that date.

(6) In this paragraph— 'diagnosed person' means a person who has been diagnosed as suffering from, or who, after his death, has been diagnosed as having suffered from, variant Creutzfeld- Jakob disease;
'relevant trust' means a trust established out of funds provided by the Secretary of State in respect of persons who suffered, or who are suffering, from variant Creutzfeld-Jakob disease for the benefit of persons eligible for payments in accordance with its provisions;
'trust payment' means a payment under a relevant trust.

58. The amount of any payment, other than a war pension, to compensate for the fact that the applicant, the applicant's partner, the applicant's deceased spouse or deceased civil partner or the applicant's partner's deceased spouse or deceased civil partner

- (a) was a slave labourer or a forced labourer;
- (b) had suffered property loss or had suffered personal injury; or
- (c) was a parent of a child who had died,

during the Second World War.

59 (1) Any payment made by a local authority, or by the Welsh Ministers, to or on behalf of the applicant or his partner relating to a service, which is provided to develop or sustain the capacity of the applicant or his partner to live independently in his accommodation.

(2) For the purposes of sub-paragraph (1) 'local authority' includes in England a county council.

60. Any payment made under regulations made under section 57 of the Health and Social Care Act 2001 or under section 12B of the Social Work (Scotland) Act 1968, or under section 12A to 12D of the National Health Service Act 2006 (direct payments for health care).

61. Any payment made to the applicant pursuant to regulations under section 2(6)(b), 3 or 4 of the Adoption and Children Act 2002.

62. Any payment made to the applicant in accordance with regulations made pursuant to section 14F of the Children Act 1989 (special guardianship support services).

63. Any payments to a claimant made under section 49 of the Children and Families Act 2014 (personal budgets and direct payments)

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MALDON DISTRICT COUNCIL

Maldon District Council Policy for the granting of Discretionary Non-Domestic Rate Relief

Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	June 2017	LM	Policy
2	June 2017	DA	Revisions
3	July 2017	LM	Revisions
4	July 2017	DA	Sign Off
5	October 2017	LM	Revisions MLM
6	November 2017	LM	Revisions MLM
7	January 2019	LM	Full update of policy
8	April 2020	LM/DA	Full update of policy & inclusion of COVID-19 reliefs
9	April 2021	LM/DA	Full update of policy & inclusion of COVID-19 reliefs
10	February 2022	LM/DA	Full update of policy & inclusion of COVID-19 reliefs
11	February 2023	LM/DA	Full update of policy & inclusion of Cost of Living reliefs
12	March 2023	LM/DA	Inclusion of Heat Network Relief
13	December 2023	LM/DA	Changes to all reliefs for 2024, including the Non Domestic Rating Act 2023
14	December 2024	LM/DA	Changes to all reliefs for 2025

Contents

1.0	Purpose of the Policy.....	4
2.0	Mandatory Relief - Legislative Background.....	5
3.0	Discretionary Relief – Legislative Background.....	6
4.0	Effect on the Council’s Finances.....	8
5.0	Administration of Discretionary Relief.....	9
6.0	Scheme of Delegation.....	10
7.0	Reporting changes in circumstances.....	11
8.0	Fraud.....	11
	Appendix A.....	12
	Discretionary Relief – Mandatory Relief recipients.....	12
	Appendix B.....	16
	Discretionary Relief – Non-Profit Making Organisations including Recreation.....	16
	Appendix C.....	21
	Discretionary Relief – Premises within Rural Settlements.....	21
	Appendix D.....	23
	Discretionary Relief – Localism Act 2011.....	23
	Appendix E.....	26
	Supporting Small Businesses Relief (until 31 st March 2026).....	26
	Appendix F.....	30
	Retail Hospitality and Leisure Relief Scheme (2025/26).....	30
	Appendix G.....	37
	Section 49 – Hardship Relief.....	37

1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of discretionary relief and related areas to be granted to certain defined ratepayers within the Council's area. The policy includes all changes effective from 1st April 2025.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant mandatory relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for mandatory relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2023. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met. In the case of the new reliefs, some guidance has been issued by Central Government outlining actions expected to be taken by local authorities. This policy includes Government guidance where appropriate but also looks to target discretionary relief in line with the Council's priorities.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving Discretionary Reliefs for all relevant areas;
 - The Council's policy for the granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs and awards; and
 - The Council's Scheme of Delegation.
- 1.6 Where organisations apply for relief they will be granted (or not granted) relief or reductions in line with the following policy.

2.0 Mandatory Relief - Legislative Background

Charity Relief

- 2.1 The powers relating to the granting of mandatory¹ and discretionary relief are given to the Council under the Local Government Finance Act 1988². Charities and Trustees for Charities are only liable to pay one fifth of the Non-Domestic Rates that would otherwise be payable where property is occupied and used wholly or mainly for charitable purposes. This amounts to mandatory relief of 80%. For the purposes of the Act, a charity is an organisation or trust established for charitable purposes, whether or not it is registered with the Charity Commission. The provision has been extended under the Local Government Act 2003 (effective from 1st April 2004) to registered Community Amateur Sports Clubs (CASCs). Full details of the mandatory provisions are given later within this policy.
- 2.2 In the case of charity shops, the premises must meet the criteria laid down by section 64 (10) of the Local Government Finance Act 1988 which states that the premises are to be treated as used for charitable purposes at any time it is wholly or mainly used for the sale of goods donated to the charity and the proceeds of goods (after any deductions for expenses) are applied for the purpose of the charity.
- 2.3 The Council has discretion to grant relief of up to a further 20% for these mandatory cases under its discretionary provisions.
- 2.4 From 1st April 2025, Central Government have determined that all Private Schools which would have previously been entitled to mandatory relief (either as a charity or charitable organisation), will **no longer be entitled to mandatory relief**. For the purposes of this change the definition of 'Private School' is an educational establishment that provides compulsory full time education where a fee is payable.
- 2.5 The Non-Domestic Rating (Multipliers and Private Schools Act 2025) will end relief eligibility for private schools. This change is intended to take effect from April 2025, subject to Parliamentary process. Private schools which are 'wholly or mainly' concerned with providing full time education to pupils with an Education, Health and Care Plan will remain eligible for relief.

Rural Rate Relief

- 2.6 From 1st April 1998, under powers originally granted to the Council by the Local Government and Rating Act 1997³, certain types of business in rural settlements, with a population below 3000 may qualify for mandatory rate relief of 100 per cent⁴. Businesses that qualify for this relief are the sole general store and the sole post office in the settlement, provided it has a Rateable Value of up to £8500; any food shop with

¹ S43 & S45 Local Government Finance Act 1988

² S47 & S48 Local Government Finance Act 1988

³ LGFA 1988, s.47, as amended by Sch. 1 to the Local Government and Rating Act 1997

⁴ the increase to 100% mandatory relief is effected by The Non Domestic Rating Act 2023 with effect from 1st April 2024.

a Rateable Value of up to £8500; and the sole pub and the sole petrol station in the settlement provided it has a Rateable Value of up to £12500.

- 2.7 From 1st April 2025, Central Government has indicated that it wants all authorities to give 100% relief to premises that receive mandatory rural rate relief.

What rural settlements exist within the Maldon District Council's area?

- 2.8 The following are deemed to be rural settlements within the District Council's area:

Althorne – North	Althorne -South	Asheldham
Bradwell-On-Sea	Bradwell Waterside	Cold Norton
Dengie	Goldhanger	Great Braxted
Great Totham – North	Great Totham -South	Hazeleigh
Heybridge Basin	Langford	Latchingdon
Little Braxted	Little Totham	Mundon
North Fambridge -North	North Fambridge -South	Purleigh
St. Lawrence	Steeple	Stow Maries
Tillingham	Tollesbury	Tolleshunt D'arcy
Tolleshunt Knights	Tolleshunt Major	Ulting
Wickham Bishops	Woodham Mortimer	Woodham Walter

- 2.9 Where businesses in rural settlements have a Rateable Value of up to £16,500 **and** are not in receipt of mandatory relief, the Council may decide to give up to 100 per cent discretionary relief if it is satisfied that the business is of benefit to the community and having regard to the interests of its Council Taxpayers.

3.0 Discretionary Relief – Legislative Background

Introduction

- 3.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to 'top' up cases where ratepayers already receive mandatory relief.
- 3.2 Over recent years and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 3.3 The range of bodies, which are eligible for discretionary rate relief, is wide and not all of the criteria laid down by the legislation will be applicable in each case.
- 3.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time

to time) and for the business to provide such information and evidence as required in order to determine whether relief should be awarded.

- 3.5 The Council is obliged to carefully consider every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority's area. There is no statutory appeal process or Tribunal against any decision made by the Council although, as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 3.6 Granting of the relief falls broadly into the following categories:
- (a) Discretionary Relief – Charities who already receive mandatory relief.
 - (b) Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts **or** premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
 - (c) Discretionary Relief – Rural Rate relief - premises not receiving mandatory relief but of benefit to the local community and less than £16,500 RV;
 - (d) Discretionary Relief – Granted under the Localism Act 2011 provisions;
 - (e) Supporting Small Businesses Relief (from 1st April 2023 for a period of up to three years);
 - (f) Retail, Hospitality and Leisure Business Rates Relief (from 1st April 2025 for a period of one year);
 - (g) S49 Hardship Relief.
- 3.7 The decision to grant or not to grant discretionary relief is a matter purely for the Council.

The Council's general approach to granting Discretionary Relief

- 3.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- (a) The awarding of relief will be in line with the Council's vision and values. Details can be found at
 - (b) That any award should support business, charities, organisations, and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
 - (c) It should help and encourage business, charities, organisations, groups, and communities to become self-reliant;
 - (d) Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
 - (e) Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs (normally two full years) including, and most importantly, the amounts of monies raised, used, and invested locally. This will be essential where the organisation is national in nature;
 - (f) To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which without granting discretionary relief they would be unable to do;
 - (g) To assist the Council in delivering services which could not be provided otherwise;

- (h) To enable the Council to determine the level of rate change in comparison with the organisation's financial situation; and
 - (i) To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it;
- 3.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 3.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The Council's approach to granting Government led Discretionary Relief schemes.

- 3.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximise any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.

4.0 Effect on the Council's Finances

- 4.1 The granting of discretionary relief will, in the main, involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 4.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. For any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by the Council and 10% by Essex County Council. This also applies where mandatory relief is granted.
- 4.3 Where Central Government leads an initiative, grants are often available through section 31 of the Local Government Act 2003. This is not automatic and Central Government will look to the Council to adopt the recommended approach when granting in these areas.
- 4.4 The financial effects of discretionary reliefs covered by this policy are as follows:

Appendix	Relief Type	Granted after 1st April 2023
	Charity Relief	
A	Discretionary relief granted to Mandatory Relief recipients	40% borne by the Council

Appendix	Relief Type	Granted after 1st April 2023
B	Non-profit Making Organisations including Sports Clubs and societies	40% borne by the Council
	Rural Rate Relief	
C	Other premises within a rural settlement under £16500 RV	40% borne by the Council
	Localism	
D	Discretionary Relief granted to ratepayers generally and not covered by any other section.	40% borne by the Council
	Supporting Small Business Relief	
E	Supporting Small Businesses Relief (from 1 st April 2023 for a period of up to three years if conditions are met	Section 31 Grant
	Retail, Hospitality and Leisure Business Rates Relief	
F	Retail, Hospitality and Leisure Business Rates Relief (from 1 st April 2025 for a period of one year)	Section 31 Grant
	S49 Hardship Relief	
G	Partial or full relief for cases of hardship where it would be reasonable to do so having due regard to the interests of council taxpayers	40% borne by the Council

5.0 Administration of Discretionary Relief

- 5.1 The following section outlines the procedures followed by officers in granting, amending, or cancelling discretionary relief and reduction as allowed by the Non Domestic Rating Act 2023.

Applications and Evidence

- 5.2 All reliefs must be applied for. Application forms are produced by the Council both in hard copy and electronic format. The relevant forms are available online via www.maldon.gov.uk/apply
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts (normally the last two years), financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Revenues and Benefits Services and will be determined in accordance with this policy.

- 5.5 **The Council will provide this service and provide guidance free of charge. Ratepayers are encouraged to approach the Council direct and NOT pay for such services through third parties.**

Granting of relief

- 5.6 In all cases, the Council will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, the ratepayer will be notified. Where relief is not granted, then the following information is provided;
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).
- 5.8 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made or when liability begins whichever is the later. Where the relief is fully Government funded, relief will be granted as long as the ratepayer is eligible.
- 5.9 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate.
- 5.10 A fresh application for discretionary relief will be necessary for each financial year **or** at such time-period as the Council determines.

Variation of a decision

- 5.11 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect on a date determined by the Council.
- 5.12 A decision may be revoked at any time by the Council.

6.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003, and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Council's scheme of delegation allows for the Head of Revenues and Benefits to award, revise or revoke any discretionary relief applications. However, any application which is considered to be of a

significant nature will be subject to consultation with the relevant executive or committee prior to final determination.

- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 6.4 The policy for granting relief will be reviewed annually or where there is a substantial change to the legislation or funding rules. At such time, a revised policy will be brought before the relevant committee of the Council.

Appeals

- 6.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by a member of the Service Leadership Team. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.6 Where the ratepayer wishes to appeal the decision of the member of the Service Leadership Team, the case will be considered by the Section 151 officer or another member of the Corporate Leadership team, whose decision on behalf of the Council will be final.
- 6.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

7.0 Reporting changes in circumstances

- 7.1 Where any award is granted to a ratepayer, the Council will require any changes in circumstances which may affect the relief, to be reported as soon as possible. This will be important where the change would result in the amount of the award being reduced or cancelled e.g., where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 7.2 Where a change of circumstances is reported, the relief will, if appropriate, be revised or cancelled as appropriate. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.

8.0 Fraud

- 8.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

Appendix A
Discretionary Relief - Mandatory Relief recipients

Discretionary Relief – Mandatory Relief recipients

General Explanation

- A.1 S43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. No charge is made in respect of unoccupied premises where it appears that *when next in use* it will be used wholly or mainly for those purposes.
- A.2 The legislation has been amended by the Local Government Act 2003 to include registered⁵ Community Amateur Sports Clubs (CASC). These organisations can now receive the mandatory (80%) relief.

Charity registration

- A.3 Charities are defined within the legislation as being an institution⁶ or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.
- A.4 The question as to whether an organisation is a charity may be resolved in the majority of cases by reference to the register of charities maintained by the Charity Commissioners under s.4 of the Charities Act 1960. Entry in the register is conclusive evidence. By definition, under the Non-Domestic Rating legislation, there is no actual need for an organisation to be a registered charity to receive the relief and this has been supported by litigation⁷, however in all cases the organisation must fall within the following categories:
- trusts for the relief of poverty;
 - trusts for the advancement of religion;
 - trusts for the advancement of education; and
 - trusts for other purposes beneficial to the community, but not falling under any of the preceding heads.
- A.5 Certain organisations are exempted from registration generally and are not required to make formal application to the Charity Commissioners these are:
- the Church Commissioners and any institution administered by them;
 - any registered society within the meaning of the Friendly Societies Acts of 1896 to 1974;
 - units of the Boy Scouts Association or the Girl Guides Association; and
 - voluntary schools within the meaning of the Education Acts of 1944 to 1980.
- A.6 The Council will consider charitable organisations, registered or not, for mandatory relief.

⁵ Registered with HMRC as a CASC

⁶ S67(10) Local Government Finance Act 1988

⁷ Income Tax Special Commissioners v Pemsell (1891)

Use of Premises - wholly or mainly used.

- A.7 Irrespective of whether an organisation is registered as a charity or not, the premises **must** be wholly or mainly used for charitable purposes. This is essential if any relief (either mandatory or discretionary) is to be granted. In most cases this can be readily seen by inspection, but on occasions the Council has had to question the actual use to which the premises are to be put. In some cases, it will be necessary for the Council to inspect any premises fully.
- A.8 Guidance from the Department of Communities and Local Government (now MHCLG) has stated that in the case of 'mainly', at least 51% must be used for charitable purposes whether of that charity or of that and other charities
- A.9 The following part of this section gives details on typical uses where relief may be given plus additional criteria that have to be satisfied. The list is not exhaustive but gives clear guidance on premises for which mandatory relief can be granted *and therefore* premises which may be equally considered for discretionary rate relief.

Offices, administration, and similar premises

- A.10 Premises used for administration of the Charity include:
- Offices;
 - Meeting Rooms; and
 - Conference Rooms.

Charity shops

- A.11 Charity shops are required to meet additional legislative criteria if they are to receive mandatory relief. Section 64 (10) of the Local Government Finance Act 1988 provides that a property is to be treated as being wholly or mainly used for charitable purposes at any time if, at the time, it is wholly or mainly used for the sale of goods donated to a charity and the proceeds of the sale of the goods (after any deduction of expenses) are applied for the purposes of the charity.
- A.12 In order to ascertain whether an organisation meets these requirements, inspections may be made by an officer of the Council when an application is received

Granting of Mandatory Relief - the Council's Policy

- A.13 Where the criteria for awarding mandatory relief are met, the rate charges shall be calculated in accordance with the legislation reducing the liability of ratepayers for each day that the criteria are met.

Charity Relief – Mandatory Relief recipients, the Council’s Policy for granting discretionary relief.

- A.14 The Council will consider applications for a discretionary rate relief top up from charities based on their own merits, on a case-by-case basis.
- A.15 In determining the application, the following matters will be taken into consideration:
1. How the charity supports and links into the Council’s corporate vision and priorities;
 2. The purpose of the charity and the specific activity carried out within the premises for which the relief is requested; and
 3. Whether the charity operates at a local or national level and where appropriate, the local and national funding streams and financial position of the charity. The Council is keen to ensure that the organisation provides significant benefit to local residents.
- A.16 The Council is keen to support businesses that have a critical role to play in the local economy and to assist the Council in meeting the corporate aims and values.
- A.17 In the case of registered Community Amateur Sports Clubs, the key criteria in determining the application will be:
1. The ratepayer occupies the whole hereditament;
 2. Relief cannot be granted in respect of premises that are occupied by the Council or precepting authority;
 3. How the CASC supports and links into the Council’s corporate vision and priorities;
 4. The membership and fee structure, and whether the CASC is accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18;
 5. Membership numbers and the number and percentage of these members that are local residents;
 6. If the CASC has due regard to equality issues and if it actively encourages members from under-represented groups, for example black and minority ethnic residents, people over 50 and people with disabilities;
 7. Whether facilities are available to the wider community regardless of ability; and
 8. If the CASC runs a bar or food provision: the level of income from this activity and how this money is used; and whether the CASC operates at a local or national level and where appropriate, the local and national funding streams and financial position of the CASC.
- A.18 The Council wishes to support and enable appropriate businesses to start, develop and continue with their operations that deliver outcomes directly related to the Council’s aims and vision. In the main, this will be done through other means rather than granting discretionary relief. There may be occasions where applications are made for such relief or where a package of measures, including discretionary relief, are appropriate in supporting businesses.

Appendix B

Discretionary Relief - Non-Profit Making Organisations including Recreation.

Discretionary Relief - Non-Profit Making Organisations including Recreation.

General explanation

Non-Profit

- B.1 The legislation⁸ allows the Council to grant discretionary relief where the property is not an *excepted* one and all or part of it is occupied for the purposes of one or more institutions or other organisations none of which is established or conducted for profit and each of whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature, or the fine arts.
- B.2 Relief cannot be granted to any premises occupied by the Council, or any town, parish council or major Precepting Authority (*excepted premises*).
- B.3 A number of issues arise from the term 'not established or conducted for profit'. This requires the Council to make enquiries as to the overall purpose of the organisation although if surpluses and such amounts are directed towards the furtherance or achievement of the objects of the organisation then it does not necessarily mean that the organisation was established or conducted for profit.⁹

Recreation Clubs

- B.4 Ideally all recreation clubs should be encouraged to apply for Community Amateur sports Club (CASC) status, which would automatically entitle them to 80% relief. The relief granted to CASCs is covered earlier within this policy.
- B.5 Recreation clubs can also apply to the Charity Commissioners for registration as a Charity (thereby falling under the mandatory provisions for 80% relief) where they meet the following conditions:
- a. The promotion of community participation in healthy recreation and by the provision of facilities for the playing of particular sports; and
 - b. The advancement of the physical education of young people not undergoing formal education.
- B.6 Where sports clubs do not meet the CASC requirement, and are not registered charities, discretionary relief can be granted (0-100%) where the property is not an *excepted* one, it is wholly or mainly used for purposes of recreation and all or part of it is occupied for the purpose of a club, society or other organisation not established or conducted for profit.

⁸ S47 Local Government Finance Act 1988

Definition of Recreation

B.7 Recreation is clearly defined by the Sports Council as any of the following¹⁰

Aikido	Croquet	Kabaddi	Real Tennis	Tang Soo Do
American Football	Crossbow	Karate	Roller Hockey	Tenpin Bowling
Angling	Curling	Kendo	Roller Skating	Trampolining
Archery	Cycling	Korfball	Rounders	Triathlon
Arm Wrestling	Disability Sport	Lacrosse	Rowing	Tug of War
Association Football	Dragon Boat Racing	Lawn Tennis	Rugby League	Unihoc
Athletics	Equestrian	Life Saving	Rugby Union	Volleyball
Australian Rules Football	Fencing	Luge	Sailing	Water Skiing
Badminton	Fives	Modern Pentathlon	Sand/Land Yachting	Weightlifting
Ballooning	Flying	Motor Cycling	Shinty	Wrestling
Baseball	Gaelic Football	Motor Sports	Shooting	Yoga
Basketball	Gliding	Mountaineering	Skateboarding	
Baton Twirling	Golf	Movement, Dance, Exercise & Fitness	Skiing	
Biathlon	Gymnastics	Netball	Skipping	
Bicycle Polo	Handball	Orienteering	Snowboarding	
Billiards and Snooker	Hang/Para Gliding	Parachuting	Softball	
Bobsleigh	Highland Games	Petanque	Sombo Wrestling	
Boccia	Hockey	Polo	Squash	
Bowls	Horse Racing	Pony Trekking	Skater/Street Hockey	
Boxing	Hovering	Pool	Sub-Aqua	
Camogie	Hurling	Quoits	Surf Life Saving	
Canoeing	Ice Hockey	Racketball	Surfing	
Caving	Ice Skating	Rackets	Swimming & Diving	
Chinese Martial Arts	Jet Skiing	Raquetball	Table Tennis	
Cricket	Ju Jitsu	Rambling	Taekwondo	
	Judo			

Access to clubs

B.8 Guidance issued by the DCLG (now MHCLG) also requires the Council to consider access to clubs within the community before granting discretionary relief.

B.9 Membership should be open to all sections of the community. There may be legitimate restrictions placed on membership which relate for example to ability in sport or to the achievement of a standard in the

¹⁰ Definition last reviewed by Sport England in 2002

field covered by the organisation or where the capacity of the facility is limited, but in general membership should not be exclusive or restrictive.

- B.10 Membership rates should not be set at such a high level as to exclude the general community. However, membership fees may be payable at different rates that distinguish the different classes of membership such as juniors, adults, students, pensioners, players, non-players, employed and unemployed. In general, the club or organisation must be prepared to show that the criteria by which it considers applications for membership are consistent with the principle of open access.
- B.11 The Council also asks the following question to help establish the level of access 'Does the organisation actively encourage membership from particular groups in the community e.g., young people, women, older age groups, persons with disability, ethnic minorities' etc.?'

Provision of facilities

- B.12 Clubs which provide training or education are encouraged, as are those who provide schemes for particular groups to develop their skills e.g., young people, the disabled, retired people.
- B.13 A number of organisations run a bar. The mere existence of a bar will not in itself be a reason for not granting relief. However, the Council focuses on the main purpose of the organisation. The Council is encouraged to examine the balance between playing and non-playing members.
- B.14 Within this area, the Council also considers whether the facilities provided relieve the Council of the need to do so or enhance and supplement those that it does provide.

Discretionary Relief - Non-Profit Organisations including Recreation - the Council's Policy

- B.15 The Council will consider applications for discretionary rate relief from non-profit making organisations on their own merits on a case-by-case basis. In determining the application, the following matters will be taken into consideration (The list is not exhaustive):
- How the organisation supports and links into the Council's corporate vision and priorities;
 - Whether the facilities provided include education and/or training for members as a whole or for special groups;
 - The extent to which the facilities provided reduce the demand for Council services or produce savings;
 - Any membership and fee structure and whether the facilities are accessible to all residents, including whether there are concessions for certain groups, for example people on a low income or young people under 18;
 - If covered by a membership scheme, membership numbers and the number and percentage of these members that are local residents; and
 - If the organisation has due regard to equality issues and if its facilities are used by all members of the community, for example black and minority ethnic residents, people over 50 and people with disabilities.

- B.16 The Council will also require additional financial information including:
- If the organisation runs a bar or food provision, the level of income from this activity and how this money is used.; and
 - Whether the organisation operates at a local or national level and where appropriate, the local and national funding streams and financial position of the organisation.
- B.17 In view of the changes in legislation from 1st April 2025 which removes certain private schools from receiving mandatory relief , the Council has decided that those establishments will **not** be granted any discretionary relief.
- B.18 For the purposes of this change the definition of 'Private School' is an educational establishment that provides compulsory full time education where a fee or other consideration is payable.

Appendix C
Discretionary Relief - Premises within Rural Settlements

Discretionary Relief – Premises within Rural Settlements

- C.1 The Local Government and Rating Act 1997 allows discretionary relief of up to 100% to be granted where the rateable value is £16500 or less and:
- (a) Property is used for purposes which are of benefit to the local community; and
 - (b) It would be reasonable for the billing authority to award relief, having regards to the Council's Council Taxpayers.
- C.2 As with most discretionary relief, part of the cost, is met by Central Government and the balance from local sources.
- C.3 The main criteria for granting discretionary relief in respect of rural rate relief is that premises are used to benefit the local community.

Benefit to the local community

- C.4 Whilst each application for the relief will be considered on its own merits, there are certain factors which weigh heavily in the decision-making process. It is this Council's belief that the spirit of the legislation is to assist businesses and amenities, which contribute significantly to the quality of life of the people who have their main home in the Rural Settlement.
- C.5 To be successful for consideration, a business must show that its existence is a significant benefit to the local community with the majority of local residents directly benefiting from services or facilities provided by that business

Rural Rate Relief – the Council's Policy for granting discretionary relief.

- C.6 The Council will also consider applications for a discretionary rural rate relief from all ratepayers, not entitled to mandatory relief up to a maximum of 100%.
- C.7 In determining the application the following matters will be taken into consideration:
- The granting of any discretionary relief will be essential in ensuring the viability of any business within the rural settlement;
 - The granting of any discretionary relief is proportionate given the level of any business rates charged compared with the overall turnover of the business;
 - The granting of any discretionary relief will assist the business in continuing to be viable and / or prevent the business from failing;
 - The business is considered by the Council to be essential to the community and that any reduction or withdrawal of the business will have a serious detrimental effect on the rural settlement;
 - The granting of any discretionary relief is reasonable having regard to the effect on taxpayers of the District.

Appendix D

Discretionary Relief - Localism Act 2011

Discretionary Relief – Localism Act 2011

General explanation

- D.1 Section 69 of the Localism Act 2011 amended Section 47 of the Local Government Finance Act 1988. These provisions allow all Councils to grant discretionary relief in **any** circumstances where it feels fit having regards to the effect on the Council Taxpayers of its area.
- D.2 The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Taxpayers.

Discretionary Relief – Localism – the Council’s Policy

- D.3 Applications will be considered from any ratepayer who wishes to apply. However, where a ratepayer is suffering hardship or severe difficulties in paying their rates liability then relief can be granted under the existing provisions as laid down by Section 49 of the Local Government Finance Act 1988. There will be no requirement to grant relief in such cases under the Council’s discretionary relief policy.
- D.4 Any ratepayer applying for discretionary rate relief under these provisions and who does not meet the criteria for existing relief (charities, non-profit making organisations etc.) must meet **all** of the following criteria and the amount of relief granted will be dependent on the following key factors:
- (a) The ratepayer **must not** be entitled to mandatory rate relief (Charity or Rural Rate Relief);
 - (b) The ratepayer **must not** be entitled to Central Government funded reliefs;
 - (c) The ratepayer **must not** be an organisation that could receive relief as a non-profit making organisation or as a sports club or similar;
 - (d) The ratepayer **must** occupy the premises (no discretionary rate relief will be granted for unoccupied premises);
 - (e) The premises and organisation **must** be of *significant* benefit to residents of the Council’s area;
 - (f) The premises and organisation **must** relieve the Council of providing similar facilities;
 - (g) The ratepayer **must**;
 - Provide facilities to certain priority groups such as elderly, disabled, minority groups, disadvantaged groups; **or**
 - Provide *significant* employment or employment opportunities to residents of the Council; **or**
 - Provide the residents of the area with such services, opportunities or facilities that cannot be obtained locally or are not provided locally by another organisation;
 - (h) The ratepayer **must** demonstrate that assistance (provided by the discretionary rate relief) will be for a *short time only* **and** that any business / operation is financially viable in the medium and long term;
 - (i) whether the premises occupied are considered to be reasonable having regard to the size and location of the premises, the size and nature of the organisation, and the use being made of the premises by the organisation; **and**

- (j) The ratepayer **must** show that the activities of the organisation are consistent with the Council's core values and priorities.
- D.5 Where a ratepayer can demonstrate that **all** of the above criteria are met, relief will be considered for initially a short period.
- D.6 In view of the changes in legislation from 1st April 2025 which removes certain private schools from receiving mandatory relief , the Council has decided that those establishments will **not** be granted any discretionary relief under this section.
- D.7 For the purposes of this change the definition of 'Private School' is an educational establishment that provides compulsory full time education where a fee or other consideration is payable.

Appendix E
Supporting Small Businesses Relief (until 31st March 2026)

General Explanation

- E.1 For the financial years 2023/24 to 2025/26, the Government will, in line with the eligibility criteria set out below, reimburse the Council if it uses its discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended), to grant 2023 Supporting Small Business relief.
- E.2 It will be for the Council, which administers the 2023 Supporting Small Business (2023 SSB) relief, to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
- E.3 Central government will reimburse the Council and major precepting authorities for the actual cost to them under the rates retention scheme of the 2023 Supporting Small Business relief that falls within the definitions in this policy.

Who is eligible for the 2023 Supporting Small Business Relief (2023 SSB) and how much relief will be available?

- E.4 2023 SSBR will help those ratepayers who as a result of the change in their rateable value at the revaluation are losing some or all of their Small Business, Rural Rate Relief or 2017 SSBR and, as a result, are facing large increases in their bills.
- E.5 Charities and Community Amateur Sports Clubs, who are already entitled to mandatory 80% relief, are not eligible for 2023 SSBR.
- E.6 To support these ratepayers, 2023 SSBR will ensure that the increase in the bills of these ratepayers is limited to a cash value of £600 per year. This cash maximum increase ensures that ratepayers do not face large bill increases in 2023/24 after transitional relief and small business rate relief (as applicable) have been applied. In order to simplify the scheme, the 2023 SSBR will not include minimum percentage bill increases (unlike the 2017 scheme).
- E.7 Those on 2023 SSBR whose 2023 rateable values are £51,000 or more will not be liable to pay the supplement (1.3p) to fund small business rate relief while they are eligible for 2023 SSBR.
- E.8 The 2017 SSBR scheme was provided to support small and medium ratepayers who had seen large increases in their bills at the 2017 revaluation. They have, therefore, had 6 years of support to allow them to adjust to their full 2017 bills. Therefore, for those ratepayers receiving 2017 SSB relief in 2022/23, any eligibility for 2023 SSBR will end on 31 March 2024.
- E.9 The Council will ensure this eligibility criteria is clear in the scheme approved and that relief for these ratepayers is awarded for one year only so that the relief can then be withdrawn on 31 March 2024 without further notice.

- E.10 A change of ratepayers will not affect eligibility for the Supporting Small Business scheme but eligibility will be lost if the property falls vacant or becomes occupied by a charity or Community Amateur Sports Club.
- E.11 There is no second property test for eligibility for the 2023 SSBR scheme. However, those ratepayers who during 2022/23 lost entitlement to Small Business Rate Relief (because they failed the second property test) but have, under the rules for Small Business Rate Relief, been given a 12 month period of grace before their relief ended - can continue on the 2023 SSBR scheme for the remainder of their 12 month period of grace.

Sequence of reliefs

- E.12 Hereditaments eligible for charity or Community Amateur Sports Club relief or hereditaments which are unoccupied are not eligible for 2023 SSBR. For the avoidance of doubt, small business rate relief or rural rate relief will not be applied to further reduce the bill found under 2023 SSBR (to avoid the double counting of relief).
- E.13 The same principle applies to properties for which a Section 44A certificate has been granted (apportionment of rateable values for partly occupied properties). The presence of a section 44A certificate will not further reduce the bill found under 2023 SSBR.
- E.14 All other discretionary reliefs, including those funded by section 31 grants, will be considered after the application of 2023 SSBR.

Subsidy control

- E.15 The 2023 SSBR is likely to amount to a subsidy. Therefore, any relief provided by the Council under this scheme will need to comply with the UK's domestic and international subsidy control obligations.
- E.16 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a three-year period (consisting of the 2025/26 year and the two previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'. BEIS COVID-19 business grants and any other subsidies claimed under the Small Amounts of Financial Assistance limit of the Trade and Cooperation Agreement should be counted under the £315,000 allowance.
- E.17 In those cases where it is clear to the Council that the ratepayer is likely to breach the MFA limit then the Council will withhold the relief. Otherwise, the Council may include the relief in bills and ask the ratepayers, on a self-assessment basis, to inform the Council if they are in breach of the MFA limit.
- E.18 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

Recalculations of reliefs

- E.19 As with other reliefs, the amount of SSBR awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or to the hereditament. This change of circumstances could arise during the year in question or during a later year.
- E.20 Under regulations made under section 47 of the Local Government Finance Act 1988 authorities must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.
- E.21 Therefore, when making an award for SSBR, the Council will ensure the conditions of the award that the relief are subject to the property's continuing eligibility. If the use of the property changes so that it is no longer eligible, the relevant chargeable amount must be recalculated to reflect that fact.
- E.22 The Council will also ensure that the scheme provides that eligibility for those ratepayers previously in the 2017 SSBR scheme in 2022/23 are eligible for one year of relief only and that the relief will then be withdrawn from those ratepayers on 31 March 2024 without further notice.

Supporting Small Business Rates Relief (2023/24 to 2025/26) - the Council's policy for granting discretionary relief.

- E.23 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

Appendix F
Retail Hospitality and Leisure Relief Scheme (2025/26)

General Explanation

- F.1. The 2025/26 Retail, Hospitality and Leisure Business Rates Relief scheme will provide eligible, occupied, retail, hospitality, and leisure properties with a 40% relief, up to a cash cap limit of £110,000 per business.

How will the relief be provided?

- F.2 As this is a temporary measure for 2025/26, Government is not changing the legislation relating to the reliefs available to properties. Instead, Government will, in line with the eligibility criteria set out in this guidance, reimburse the Council if it uses its discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended) to grant relief. It will be for the Council to adopt a local scheme and determine in each individual case when, having regard to this guidance, to grant relief under section 47.
- F.3 Government will fully reimburse the Council and major precepting authorities for their loss of income under the rates retention scheme as a result of awarding the relief that falls within the definitions in this guidance, using a grant under section 31 of the Local Government Act 2003.
- F.4 The government expects the Council to apply and grant relief to qualifying ratepayers from the start of the 2025/26 the billing year.

Which properties will benefit from relief?

- F.5 Hereditaments which benefit from the relief will be those which for a chargeable day in 2025/26:
- (a) meet the eligibility criteria; and
 - (b) the ratepayer for that chargeable day has not refused the relief for the eligible hereditament. The ratepayer may refuse the relief for each eligible hereditament anytime up to 30 April 2026. The ratepayer cannot subsequently withdraw their refusal for either all or part of the financial year.
- F.6 The Council has decided that, for the purposes of section 47 of the 1988 Act, hereditaments where the ratepayer has refused the relief are outside of the scheme and outside of the scope of the decision of which hereditaments qualify for the discount and are therefore ineligible for the relief.
- F.7 In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, the Council may not grant the discount to themselves or precepting authorities

How much relief will be available?

- F.8 Subject to the £110,000 cash cap per business, the total amount of government-funded relief available for each property for 2025/26 under this scheme is for chargeable days from 1 April 2025 to 31 March 2026, 40% of the chargeable amount.

- F.9 The relief will be applied after mandatory reliefs and other discretionary reliefs funded by section 31 grants have been applied, but before those where the Council has used its wider discretionary relief powers introduced by the Localism Act 2011, which are not funded by section 31 grants. However, the former categories of discretionary relief available prior to the Localism Act 2011 (i.e., charitable relief etc.) will be applied first in the sequence of discretionary reliefs and, therefore, before Retail, Hospitality and Leisure relief. Authorities may use their discretionary powers to, at cost to themselves, offer further discounts outside this scheme or additional relief to hereditaments within the scheme. However, where the Council applies a locally funded relief under section 47, this will be applied after the Retail, Hospitality and Leisure relief.
- F.10 The ordering **will** be applied in following sequence:
- Transitional Relief
 - Mandatory Reliefs (as determined in legislation)
 - S.47 Discretionary Relief in the following order:
 - (i) 2023 Supporting Small Business (SSB);
 - (ii) Former categories of discretionary relief available prior to the Localism Act 2011 (i.e., charitable, CASC, rural top up, and not for profit) will be applied first in the sequence of discretionary reliefs, after SSB;
 - (iii) Other discretionary (centrally funded);
 - (iv) 2025/26 Retail Hospitality and Leisure relief scheme; and
 - (v) Other locally funded schemes (such as section 49 hardship).
- F.11 Subject to the cash cap, the eligibility for the discount and the relief itself will be assessed and calculated on a daily basis. The following formula will be used to determine the amount of relief to be granted for a chargeable day for a particular hereditament in the financial year 2025/26:
- Amount of relief to be granted = $V \times 0.75$ where:
 - V is the daily charge for the hereditament for the chargeable day after the application of any mandatory relief and any certain other discretionary reliefs.
- F.12 This will be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.
- F.13 Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties up to the maximum £110,000 cash cap, per business.

The Cash Cap and Subsidy Control

- F.14 Under the cash cap, no ratepayer can in any circumstances exceed the £110,000 cash cap across all of their hereditaments in England.
- F.15 Where a ratepayer has a qualifying connection with another ratepayer, then those ratepayers will be considered as one ratepayer for the purposes of the cash caps. A ratepayer shall be treated as having a qualifying connection with another:
- (a) where both ratepayers are companies, and
 - (i) one is a subsidiary of the other, or
 - (ii) both are subsidiaries of the same company; or

(b) where only one ratepayer is a company, the other ratepayer (the "second ratepayer") has such an interest in that company as would, if the second ratepayer were a company, result in its being the holding company of the other.

- F.16 The Retail Hospitality and Leisure Scheme is likely to amount to subsidy. Any relief provided by the Council under this scheme will need to comply with the UK's domestic and international subsidy control obligations.
- F.17 To the extent that the Council is seeking to provide relief that falls below the Minimal Financial Assistance (MFA) thresholds, the Subsidy Control Act allows an economic actor (e.g., a holding company and its subsidiaries) to receive up to £315,000 in a 3-year period (consisting of the 2025/26 year and the 2 previous financial years). MFA subsidies cumulate with each other and with other subsidies that fall within the category of 'Minimal or SPEI financial assistance'.
- F.18 In those cases, where it is clear to the Council that the ratepayer is likely to breach the cash cap or the MFA limit, then the Council will automatically withhold the relief.
- F.19 MFA subsidies above £100,000 are subject to transparency requirements. This is not cumulated per beneficiary but applies per subsidy award. This means that for every individual subsidy provided of more than £100,000, the Council will include details of the subsidy on the subsidy control database.

Splits, mergers, and changes to existing hereditaments

- F.20 The relief will be applied on a day-to-day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, will be considered afresh for the relief on that day.

Recalculations of relief

- F.21 The amount of relief awarded will be recalculated in the event of a change of circumstances. This could include, for example, a backdated change to the rateable value or the hereditament. This change of circumstances could arise during the year in question or during a later year.
- F.22 Under regulations made under section 47 of the Local Government Finance Act 1988 the Council must give at least 12 months' notice of a revocation or variation of a rate relief scheme the effect of which would be to increase rate bills. Such a revocation or variation can only take effect at the end of a financial year (other than to comply with international agreements). But within these regulations, the Council may still make decisions to ensure the scheme is administered in accordance with the extant rules. If a change in circumstances renders a property ineligible, the relevant bill can be amended in the year to reflect the loss of the relief.

Eligibility for the Retail, Hospitality and Leisure Relief Scheme

- F.23 The Council uses the following definitions to establish eligibility for the relief:

Hereditaments that meet the eligibility for Retail, Hospitality and Leisure scheme will be occupied hereditaments which meet all of the following conditions for the chargeable day:

- they are wholly or mainly being used:
 - (i) as shops, restaurants, cafes, drinking establishments, cinemas, or live music venues,
 - (ii) for assembly and leisure; or
 - (iii) as hotels, guest & boarding premises, or self-catering accommodation

i. Hereditaments that are being used for the sale of goods to visiting members of the public:

- Shops (such as: florists, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licences, chemists, newsagents, hardware stores, supermarkets, etc)
- Charity shops
- Opticians
- Post offices
- Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
- Car/caravan show rooms
- Second-hand car lots
- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as: hairdressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/key cutting
- Travel agents
- Ticket offices e.g., for theatre
- Dry cleaners
- Launderettes
- PC/TV/domestic appliance repair
- Funeral directors
- Photo processing
- Tool hire
- Car hire

iii. Hereditaments that are being used for the sale of food and/or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops

- Coffee shops
- Pubs
- Bar

iv. Hereditaments which are being used as cinemas.

v. Hereditaments that are being used as live music venues:

- Live music venues are hereditaments wholly or mainly used for the performance of live music for the purpose of entertaining an audience. Hereditaments cannot be considered a live music venue for the purpose of business rates relief where a venue is wholly or mainly used as a nightclub or a theatre, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Hereditaments can be a live music venue even if used for other activities, but only if those other activities (i) are merely ancillary or incidental to the performance of live music (e.g., the sale/supply of alcohol to audience members) or (ii) do not affect the fact that the primary activity for the premises is the performance of live music (e.g., because those other activities are insufficiently regular or frequent, such as a polling station or a fortnightly community event).
- There may be circumstances in which it is difficult to tell whether an activity is a performance of live music or, instead, the playing of recorded music.

vi. Hereditaments that are being used for the provision of sport, leisure, and facilities to visiting members of the public (including for the viewing of such activities).

- Sports grounds and clubs
- Museums and art galleries
- Nightclubs
- Sport and leisure facilities
- Stately homes and historic houses
- Theatres
- Tourist attractions
- Gyms
- Wellness centres, spas, massage parlours
- Casinos, gambling clubs and bingo halls

vii. Hereditaments that are being used for the assembly of visiting members of the public.

- Public halls
- Clubhouses, clubs, and institutions

viii. Hereditaments where the non-domestic part is being used for the provision of living accommodation as a business:

- Hotels, Guest, and Boarding Houses
- Holiday homes
- Caravan parks and sites

F.24 To qualify for the relief the hereditament should be wholly or mainly being used for the above qualifying purposes. In a similar way to other reliefs (such as charity relief), this is a test on use rather than

occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

- F.25 The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied uses that exist within the qualifying purposes.

Hereditaments that are being used for the provision of the following services to visiting members of the public:

- F.26 The list below sets out the types of uses that the government does not consider to be an eligible use for the purpose of this discount. Again, it is for the Council to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them **not** eligible for the discount under their local scheme:

- Financial services (e.g., banks, building societies, cash points, bureaux de change, short-term loan providers, betting shops);
- Medical services (e.g., vets, dentists, doctors, osteopaths, chiropractors);
- Professional services (e.g., solicitors, accountants, insurance agents/ financial advisers, employment agencies, estate agents, letting agents); and
- Post office sorting offices.

Retail Hospitality and Leisure Business Rates Scheme (2025/26) - the Council's policy for granting discretionary relief.

- F.27 The Council has decided to grant relief strictly in accordance with Central Government guidelines.

Appendix G
Section 49 - Hardship Relief

General explanation

- G.1 The Council is able to exercise its discretion under Section 49 of the Local Government Finance Act 1988 to provide either partial or full relief for non-domestic rate payments in cases of hardship where it would be reasonable to do so having due regard to the interests of council tax payers in general.

Section 49 Hardship Relief - the Council's Policy

- G.2 The Council will consider applications for hardship relief from individuals and organisations based on their own merits on a case-by-case basis. Head of Revenues and Benefits will consider applications. Application forms are available at www.maldon.gov.uk/apply

- G.3 In making decisions on whether to award the relief the Council takes into account the following criteria (not listed in any priority):

- Any reduction or remission of rates on the grounds of hardship should be the exception rather than the rule;
- Any reduction of the rates must be shown to be significant to the future viability of the business;
- The business must continue to trade;
- Cash flow forecasts for a minimum of the next twelve months must be provided together with a comprehensive Business Plan incorporating a brief history of the business;
- The test of "hardship" is not strictly confined to financial hardship and that this, in itself, is not a deciding factor;
- The loss of the business would reduce amenities of an area if it is the sole provider of a service in the area;
- The loss of the business would worsen the employment prospects in the area;
- The interests of the Council Tax payers of the area would be best served by awarding the relief;
- The business must demonstrate how it is beneficial to the local community and why it is currently suffering financial hardship;
- The business provides employment to local residents in an area where employment opportunities are limited;
- Independent advice given by banks or financial advisors should be sought to demonstrate the future viability of the business;
- Applications will only be considered where signed by the ratepayer, or, where an organisation is the ratepayer, an appropriately authorised representative of the organisation; and
- The ratepayer will provide additional information as deemed necessary by the Council to be essential in order for a fair evaluation of the application.



MALDON DISTRICT COUNCIL

Empty Homes and Second Homes Premium Policy 2025-26

Contents

1. Introduction and background.....	3
2. Empty homes premiums.....	4
3. Introduction of premiums for second homes (From 1 April 2025).....	5
4. Exceptions from the premiums (empty homes premiums and second homes premium).....	5
5. Outcome expected and 'safety net'.....	7
6. Legislation.....	8
7. Finance	8
8. Notification.....	8
9. Appeals.....	8
10. Delegated Powers.....	9
11. Fraud.....	9
12. Complaints.....	9

1. Introduction and background

- 1.1 The following policy outlines the Council's approach to the levying of empty homes premium and second homes premiums.
- 1.2 Premiums were introduced by government from 1 April 2013 with a view to encouraging homeowners to occupy homes and not leave them vacant in the long term.
- 1.3 The legislation which introduced premiums is S11B of the Local Government Finance Act 1992 (inserted by the Local Government Finance Act 2012). Premiums could only be charged on long-term empty dwellings. An empty dwelling is one which is 'unoccupied' and 'substantially unfurnished'. The definition of 'long-term' is where the dwelling has been empty for a continuous period of at least 1 year.
- 1.4 Initially the maximum level of premium was set by government at 50% of the amount of Council Tax chargeable. Each Council could determine the level of premium up to the maximum and this is charged in addition to the amount determined by the Council as payable for an empty dwelling¹
- 1.5 Certain classes of dwellings cannot be charged a premium namely:
 - a dwelling which would be the sole or main residence of a person but which is empty while that person resides in accommodation provided by the Ministry of Defence by reason of their employment i.e., service personnel posted away from home²; or
 - dwellings which form annexes in a property which are being used as part of the main residence or dwelling in that property³.
- 1.6 In 2018 the Rating of Property in Common Occupation and Council Tax (Empty Dwellings) Act allowed authorities to increase the level of premiums on empty dwellings with effect from 1 April 2019 as follows;
 - Dwellings left unoccupied and substantially unfurnished for 2 years or more, - from 1 April 2019 a premium can be levied up to 100%;
 - Dwellings left unoccupied and substantially unfurnished for 5 years or more, - from 1 April 2020 a premium can be levied up to 200%; and
 - Dwellings left unoccupied and substantially unfurnished for 10 years or more, - from 1 April 2021 a premium can be levied up to 300%.
- 1.7 It should be noted that premiums are charged in addition to the 100% Council Tax payable on empty premises.

¹ Under the Council Tax (Prescribed Classes of Dwelling)(England) Regulations 2003 and amended by the Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes C & D.

² Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes E

³ Council Tax (Prescribed Classes of Dwelling)(England) (Amendment) Regulations 2012 - Classes F

- 1.8 Government, together with local authorities (including the Council) has unfortunately seen a rise in the number of empty homes together with a growth in second homes.
- 1.9 Inconsistencies in the legislation have also been identified whereby a premium can be avoided by the taxpayer merely furnishing an empty premises, when it would become a 'second home' which currently has a maximum charge of 100% with no premium.
- 1.10 In order to address these inconsistencies, and also to bring more dwellings into use, government amended the Local Government Finance Act 1992 to allow for the following:
- (a) To bring forward the period from two years to **one year** when an unoccupied and substantially unfurnished dwelling (empty dwelling) can be charged a premium of 100% All other empty dwelling premiums remain unchanged, namely:
 - A premium of 200% where dwelling has remained empty for a period of 5 years or more;
 - A premium of 300% where dwelling has remained empty for a period of 10 years or more; and
 - (b) To enable the charging of a 100% premium for any dwellings (second homes) which are:
 - No one's sole or main residence; and
 - Substantially furnished
- 1.11 This policy details the Council's approach in the charging of premiums as allowed within the new legislation.
- 1.12 The continued pressure on local authority finances (both the Council and the Major Preceptors) together with the need to encourage all owners of domestic premises to bring them back into use, makes it essential that the Council changes its approach to empty homes. The new legislation for second home premiums will encourage the use of dwellings as primary residences.

2. Empty homes premiums

- 2.1 Section 11B of the Local Government Finance Act 1992 (amended by the Levelling Up and Regeneration Act 2023) permits billing authorities in England to impose an empty dwellings premium after one year instead of two.
- 2.2 The Council resolved to implement this change with effect from 1 April 2024.
- 2.3 Exceptions to the premiums (both empty homes and second homes) have been introduced by the Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024. Details are shown later in the Section 4 of this policy.

3. Introduction of premiums for second homes (From 1 April 2025)

- 3.1 The definition of a second home for Council Tax purposes is a dwelling which has "no one resident" but is "substantially furnished".
- 3.2 Section 11C of the Local Government Finance Act 1992 11C permits the Council to apply a premium on second homes. The maximum Council Tax charge in these cases would be a standard 100% charge plus a premium of 100% making a total Council Tax charge of 200%.
- 3.3 Unlike empty dwellings, there is no requirement for a property to have been used as a second home for a fixed period of time before the premium can apply.
- 3.4 As with other changes introduced by the Act, section 11C (3) requires that the first decision to impose this class of premium must be taken at least 12 months before the financial year to which it would apply. In effect this means that premiums for second homes will not take effect until the 2025-26 financial year at the earliest.
- 3.5 The Council has resolved to charge second home premiums and has given the required notice.
- 3.6 The Act provides that a dwelling cannot be subject to both a second homes premium and an empty homes premium imposed under section 11B of the 1992 Act, and that an existing empty homes premium would cease to apply to a property which became subject to a second homes premium.

4. Exceptions from the premiums (empty homes premiums and second homes premium)

- 4.1 Regulations have recently been implemented (The Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024) which prevent the council from applying a premium in certain circumstances. These are as follows and cover both empty dwellings and second homes:

Classes of Dwellings	Application	Summary Description
Class E	Long-term empty homes and second homes	Dwelling which is or would be someone's sole or main residence if they were not residing in job-related armed forces accommodation

Classes of Dwellings	Application	Summary Description
Class F	Long-term empty homes and second homes	Annexes forming part of, or being treated as part of, the main dwelling
Class G	Long-term empty homes and second homes	<p>Dwellings being actively marketed for sale or under an agreement to be sold (12 months limit). The exception will end either when the 12-month period has ended, when the dwelling has been sold (sale of a freehold or where a lease is granted for seven years or more) or when the dwelling is no longer actively marketed for sale. The council will determine:</p> <ul style="list-style-type: none"> • whether the dwelling is clearly advertised for sale; • whether the dwelling is being marketed at a fair market value; • whether there are any artificial barriers on the dwelling preventing sale; and • whether the owner is taking any other reasonable steps to market the dwelling for sale. <p>The same owner may only make use of the exception for a particular dwelling marketed for sale once however, the exception may be used again for the same dwelling if it has been sold and has a new owner.</p>
Class H	Long-term empty homes and second homes	<p>Dwellings being actively marketed for let (12 months limit) The exception will end either when the 12-month period has ended, when the dwelling has been let or when the dwelling is no longer actively marketed for let. The council will determine:</p> <ul style="list-style-type: none"> • whether the dwelling is clearly advertised for let; • whether the dwelling is being marketed at a fair market value; • whether there are any artificial barriers on the dwelling preventing letting; and • whether the owner is taking any other reasonable steps to market the dwelling for let. <p>The same owner may make use of the exception for dwellings marketed for let multiple times, however, only after the dwellings has been let for a continuous period of at least 6 months since the exception last applied</p>

Classes of Dwellings	Application	Summary Description
Class I	Long-term empty homes and second homes	Unoccupied dwellings which fell within exempt Class F and where probate has recently been granted (12 months from grant of probate/letters of administration)
Class J	Second homes only	Job-related dwellings. The exception will not apply to cases where someone chooses to have an additional property to be closer to work while having a family home elsewhere or where an individual is posted to a new location but maintain their previous address.
Class K	Second homes only	Occupied caravan pitches and boat moorings.
Class L	Second homes only	Seasonal homes where year-round, permanent occupation is prohibited, specified for use as holiday accommodation or planning condition preventing occupancy for more than 28 days continuously
Class M	Long-term empty home only	Empty properties requiring or undergoing major repairs or structural alterations (12 months limit)

5. Outcome expected and 'safety net'.

- 5.1 The expected outcomes of this policy are as follows:
- (a) Taxpayers will be encouraged, through the implementation of the premiums, to bring empty properties into use and to revert the use of second homes to primary residences;
 - (b) The reduction of empty homes and second homes within the Council's area in line with the Council's Empty Property Strategy; and
 - (c) Increased Council Tax income from empty homes and second homes.
- 5.2 There may be circumstances where the implementation of these changes may cause exceptional hardship to a taxpayer. In such cases, the Council will consider applications for a reduction in liability under its Section 13A (1)(C) of the Local Government Finance Act 1992 - Reduction in Council Tax liability policy.
- 5.3 Where such an application is received, it will be considered on an individual case basis taking into account the circumstances of the taxpayer and the situation regarding the level of Council Tax charged. Should the taxpayer be aggrieved by any decision of the Council a further right of appeal will be with the independent Valuation Tribunal.

6. Legislation

- 6.1 The legislation that covers this policy and the recommendations made is as follows:
- S11A & S11B of the Local Government Finance Act 1992;
 - S11C of the Local Government Finance Act 1992 (as introduced by the Levelling Up and Regeneration Act 2023);
 - The Levelling Up and Regeneration Act 2023; and
 - S13A(1)(C) Local Government Finance Act 1992 (reduction in liability).
- 6.2 Due to changes in the legislation, the Council will be required to amend this policy, at any time, in line with statute.

7. Finance

- 7.1 Any amount of premium received will be part of the Council's Collection Fund and will be shared between the Council and Major Precepting authorities in line with their share of the Council Tax.
- 7.2 Any reduction granted under S13A(1)(c) will be financed through the Council's general fund and do not form part of the Collection Fund.

8. Notification

- 8.1 Where a taxpayer is granted an exemption, a revised demand notice will be issued. Where an exemption is applied for but not granted, the Council will provide a notification of its decision.

9. Appeals

- 9.1 Appeals against the Council's decision may be made in accordance with Section 16 of the Local Government Finance Act 1992.
- 9.2 The taxpayer must in the first instance write to the Council outlining the reason for their appeal. Once received the council will then consider whether any additional information has been received which would justify a change to the original decision and notify the tax payer accordingly.**
- 9.3 Where the taxpayer remains aggrieved, a further appeal can then be made to the Valuation Tribunal. This further appeal should be made within 2 months of the decision of the Council not to grant any reductions. Full details can be obtained from the Council's website or from the Valuation Tribunal Service website.

10. Delegated Powers

10.1 This policy for the Council Tax premiums has been approved by the Council. However, the Head of Revenues and Benefits is authorised to make technical amendments to ensure it meets the criteria set by government and the Council.

11 Fraud

11.1 The Council is committed to protecting public funds and ensuring that premiums are correctly charged.

11.2 A taxpayer who tries to reduce their Council Tax liability by incorrectly or falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under The Fraud Act 2006.

11.3 Where the Council suspects that such a fraud may have been committed, this matter will be investigated as appropriate and may lead to criminal proceedings being instigated.

12. Complaints

12.1 The Council's complaints procedure (available on the Council's website) will be applied in the event of any complaint received about this policy.

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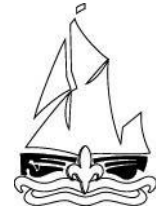
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**REPORT of
INTERIM CHIEF FINANCE OFFICER**

to
COUNCIL
13 FEBRUARY 2025

**CAPITAL AND INVESTMENT STRATEGY FOR 2025 / 26, MINIMUM REVENUE PROVISION
STATEMENT 2025 / 26 AND TREASURY MANAGEMENT STRATEGY 2025 / 26**

1. PURPOSE OF THE REPORT

- 1.1 The Council is required to approve an annual Capital and Investment Strategy, Minimum Revenue Provision (MRP) Statement and Treasury Management Strategy before the start of the financial year to which they relate.

2. RECOMMENDATIONS

That the Council approves:

- (i) the Capital and Investment Strategy 2025 / 26 (**APPENDIX 1**), which includes the Capital Programme for 2025 / 26 – 2028 / 29 (**APPENDIX 1a**) and new Capital Projects Bids (**APPENDIX 1b**);
- (ii) the Minimum Revenue Provision Statement 2025 / 26 (**APPENDIX 2**);
- (iii) the Treasury Management Strategy 2025 / 26 (**APPENDIX 3**), with the Treasury Management Practices (**APPENDIX 3a**).

3. SUMMARY OF KEY ISSUES

- 3.1 The Capital and Investment Strategy details the intended capital expenditure plans and funding arrangements of the Council and sets Prudential Indicators against which actual expenditure and borrowing should be monitored. The Capital and Investment Strategy for 2025 / 26 is at **APPENDIX 1**.
- 3.2 The Capital Strategy includes the Capital Programme (**APPENDIX 1a**), which is a 4-year financial plan for delivering the Strategy. The Capital Programme includes all approved capital projects, rolling programmes and new capital bids.
- 3.3 A full breakdown of new capital bids is included in **APPENDIX 1b**, revised following discussions at the Strategy and Resources Committee on 21 November 2024.
- 3.4 Local authorities must set aside funds annually to repay debt from capital expenditure, ensuring they do not take on more debt than they can afford. This charge is the Minimum Revenue Provision (MRP). The Minimum Revenue Provision Statement 2025 / 26 is at **APPENDIX 2**, which details the methodology applied by the Council in charging a minimum amount to revenue.

- 3.5 The Treasury Management Strategy for 2025 / 26 is at **APPENDIX 3**. This strategy ensures the Authority maintains a balanced budget by managing cash flow and low-risk investments. Effective treasury management is crucial for meeting spending commitments and protecting the General Fund Balance. Governance of Treasury Management Practices is detailed in **APPENDIX 3a**.
- 3.6 These Strategies have been compiled with the advice and support of the Council's treasury advisor, Link Group, with the latest available data and interest rate forecasts at the time the strategies were drafted in December 2024.

4. CONCLUSION

- 4.1 The Capital and Investment Strategy, MRP Policy, and Treasury Management Strategy have been developed with the Council's strategic plans in mind, ensuring affordability and prudence.
- 4.2 These strategies have been updated to comply with statutory requirements and best practices. They consider the Council's financial position and align with broader corporate strategies, plans, and objectives, incorporating advice from the Council's external treasury advisor.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Growing our economy

- 5.1.1 Utilising reserves and alternative funding sources to acquire or enhance the Council's assets minimises the reliance on annual local tax revenues.

5.2 Delivering good quality services.

- 5.2.1 Avoiding service failure is a key consideration when determining which assets to acquire or enhance.

6. IMPLICATIONS

- (i) **Impact on Customers** – None directly.
- (ii) **Impact on Equalities** – None directly.
- (iii) **Impact on Risk (including Fraud implications)** – Any new investment decisions will be entered with suitable due diligence to ensure that any risks are identified and mitigated, where possible.
- (iv) **Impact on Resources (financial)** – The Council generates investment income from invested balances held in reserve. Any approved capital project bids may impact on the Council's reserves.
- (v) **Impact on Resources (human)** – None directly.

Background Papers: None.

Enquiries to: Ben Cookson, Interim Section 151 Officer.

Updated Capital and Investment Strategy 2025/26 – 2028/29

Maldon District Council

Introduction

The Capital and Investment Strategy for Maldon District Council outlines our approach to managing capital expenditure and investments to support the delivery of our strategic priorities.

This Strategy ensures that our capital investments are aligned with our long-term goals, providing a framework for decision-making that promotes financial sustainability, effective asset management, and prudent use of resources.

This integrated approach ensures that our capital investments are not only strategically aligned but also financially responsible, supporting the Council's commitment to transparency, accountability, and effective risk management.

Objectives

Align Capital Investments with Strategic Priorities: Ensure that all capital projects and investments support the Council's strategic objectives and community needs.

Promote Financial Sustainability: Manage capital expenditure and financing in a way that maintains the Council's financial health and sustainability.

Effective Asset Management: Optimise the use and management of the Council's assets to maximise value and service delivery.

Prudent Financial Management: Adhere to principles of prudence and affordability in capital financing, ensuring compliance with relevant regulations and guidance.

Risk Management: Identify and mitigate risks associated with capital investments to protect the Council's financial position.

Transparency and Accountability: Maintain clear and transparent processes for capital investment decisions, ensuring accountability to stakeholders.

Capital Expenditure

Capital expenditure refers to the Council's investment in assets, such as property or vehicles, that have a useful life of more than one year. In local government, this also includes spending on assets owned by other entities, as well as providing loans and grants to enable these entities to acquire or refurbish assets.

The Council has some discretion in defining capital expenditure. For example, individual assets costing less than £10,000 are not capitalised and are charged to revenue within the year. However, large purchases of identical assets, such as laptops, can be grouped together and treated as capital expenditure.

Table 1: Capital Programme 2025/26 – 2028/29

Updated Capital Programme - Summary	2025/26	2026/27	2027/28	2028/29
Project Category	£'000	£'000	£'000	£'000
Vehicle and Plant Replacement	163	0	0	0
Car Parking	0	0	0	0
Information and Communication Technology	47	47	47	47
Parks	118	0	0	0
Brickhouse Farm	0	0	0	0
Rivers	0	0	0	0
Leisure and Sports	4,000	1,125	0	0
Cemeteries	0	0	0	0
Play Equipment	345	125	0	0
Housing	539	539	539	539
Community	0	0	0	0
Total Capital Programme - Summary	5,212	1,836	586	586

NOTE: Please see Appendix 1a for a detailed breakdown of the Capital Programme.

NOTE: Please see Appendix 1b for a detailed breakdown of new capital bids.

Capital Funding

All capital expenditure must be funded by external sources (such as government grants and contributions), the Council's own resources (including revenue, reserves, and capital receipts), or debt (borrowing, leasing, and Private Finance Initiatives).

Additionally, in accordance with the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance, a statutory adjustment called Minimum Revenue Provision (MRP) must be charged to the revenue account annually to ensure that debt does not grow uncontrollably and can be managed sustainably.

Table 2 provides a summary of the funding sources allocated to fund the capital programme. This includes the proposed borrowing to fund the Leisure Contract and purchase of waste vehicles.

Table 2: Capital Funding Summary 2025/26 – 2028/29

Updated Capital Funding - Summary	2025/26	2026/27	2027/28	2028/29
Funding Category	£'000	£'000	£'000	£'000
Capital Receipts Applied	(573)	(172)	(47)	(47)
S.106 Contributions	(100)	(125)	0	0
Internal Borrowing	(4,000)	(1,000)	0	0
Direct Revenue Financing	0	0	0	0
Government Grants	(539)	(539)	(539)	(539)
Total Capital Programme Funding	(5,212)	(1,836)	(586)	(586)

Capital Financing and Borrowing

The Capital Financing Requirement (CFR) is a crucial metric that reflects the Council's underlying need to borrow for capital purposes. It essentially measures the total amount of capital expenditure that has not yet been financed by capital resources such as capital receipts, grants, or revenue contributions. When the Council undertakes capital expenditure that is not immediately paid for, this increases the CFR, indicating a higher borrowing requirement.

Conversely, the CFR is reduced when the Council applies resources like capital receipts, grants, or charges to revenue to finance this expenditure. This reduction helps manage the overall debt levels and ensures that borrowing remains within sustainable limits. The CFR is an important tool for financial planning and management, as it provides a clear picture of the Council's long-term borrowing needs and helps in making informed decisions about future capital investments.

By regularly monitoring the CFR, the Council can ensure that its borrowing is prudent and aligned with its financial strategy. This involves strategic application of available resources to reduce the CFR and manage debt effectively. Adhering to CIPFA guidance and other regulatory requirements, the Council ensures that its capital financing practices are sound and compliant, supporting financial stability and the ability to deliver essential services to the community.

Table 3 provides a summary of the forecast management of debt through different funding sources, including Minimum Revenue Provision.

Table 3: Capital Financing Requirement 2025/26 – 2028/29

Capital Financing Requirement (CFR)	2025/26	2026/27	2027/28	2028/29
	£'000	£'000	£'000	£'000
Opening CFR	4,714	8,185	8,543	7,865
Capital Expenditure	5,212	1,836	586	586
Total Expenditure	9,926	10,021	9,129	8,451
Financed by:				
Capital Receipts	(573)	(172)	(47)	(47)
Government Grants	(539)	(539)	(539)	(539)
S.106 Contributions	(100)	(125)	0	0
Minimum Revenue Provision	(529)	(642)	(678)	(687)
Direct Revenue Financing	0	0	0	0
Total Financing	(1,741)	(1,478)	(1,264)	(1,273)
Closing CFR	8,185	8,543	7,865	7,178

Governance

Good governance and robust internal controls are essential for protecting public funds and ensuring sustainable investments in the public sector. According to CIPFA guidance, effective governance frameworks help manage risks, ensure accountability, and maintain transparency. Strong internal controls safeguard assets, prevent fraud, and ensure efficient

use of resources. Clear decision-making processes, regular monitoring, and reporting mechanisms provide assurance to stakeholders, while audit committees and internal audit functions independently review the Council's arrangements, building public trust and confidence in financial management.

Maldon District Council implements these principles through a robust capital bidding and appraisal process. Service managers submit bids annually in September to include projects in the Council's capital programme. These bids are collated by the finance team, which calculates the financing cost (potentially nil if the project is fully externally financed). The Corporate Leadership Team (CLT) and Finance Members Group then appraise all bids, comparing service priorities against financing costs, and make recommendations to the Strategy and Resources Committee. The final capital programme is presented to the Council in February each year.

Projects that generate savings or income may be progressed in-year, subject to a valid business case and committee approval. Additionally, provisions in major contracts negotiated in-year may require capital investment outside the annual strategy. When this occurs to the benefit of the Council, the Capital and Investment Strategy will be updated accordingly. This structured approach ensures that capital investments are aligned with strategic priorities and managed sustainably, in line with CIPFA's principles.

The Chief Finance Officer confirms that the proposed capital programme is prudent, affordable, and sustainable, as existing reserves will fund the core General Fund programme. Projects will proceed only if they generate savings or income for the Council, with a Business Case evaluating the risks and mitigations.

Commercial Investments

In 2024/25, the Council entered into a 20-year agreement with an external provider to deliver leisure facilities to the residents of Maldon District. This contract ensures that residents have affordable access to state-of-the-art leisure amenities at various Council-owned properties within the district, whilst also protecting the value of the assets through continued capital investment. Additionally, the agreement includes an annual management fee payable to the Council, which supports the general fund and contributes to the achievement of the Council's strategic objectives.

The Council's commercial team is actively engaged in developing new projects in tandem with the ongoing events at Promenade Park. They are building a robust portfolio of event organisers, which is instrumental in generating much-needed revenue for the Council. These efforts are aimed at enhancing the variety and quality of events available to residents while ensuring sustainable financial growth for the district.

Asset Management

To ensure that capital assets continue to be of long-term use, the Council is developing an Asset Management Plan (AMP). This plan will be produced for next year's capital strategy and will provide a comprehensive overview of all the Council's strategic assets, detailing how they will contribute to the Council's corporate objectives.

The new AMP will also include a rationalisation process to determine the best use of each asset. This process will assess whether assets should be sold, invested in, or used to generate revenue, ensuring that the Council's resources are optimally allocated.

Without such a strategy, there is a risk that future repair needs will not be identified, leading to potential under-provision in the budget. The AMP will help mitigate this risk by outlining maintenance requirements and investment needs, thereby supporting the sustainable management of the Council's assets.

When a capital asset is no longer needed, it may be sold, and the proceeds, known as capital receipts, can be used to invest in new assets or to repay debt. Additionally, the Council is currently permitted to spend capital receipts on service transformation projects until 2030, subject to government agreement. This flexibility allows the Council to adapt and innovate in delivering services, ensuring that capital resources are used effectively to meet evolving community needs.

Treasury Management

Cash Flow Management

Cash Flow Forecasting: The Council ensures sufficient but not excessive cash is available to meet spending needs, managing risks effectively. Surplus cash is invested until required, while shortages are met by borrowing to avoid excessive credit balances or overdrafts.

Liquidity Management: The Council is typically cash-rich in the short term as revenue income is received before it is spent.

Borrowing Strategy

Objectives: The Council does not currently borrow externally due to its cash reserves. Usually, capital investments are funded from internal borrowing with appropriate MRP being charged to the service, along with a contribution to reserves for the cost of lost interest.

Current Borrowing: The Council currently has £0.075m of external financing arrangements from a vehicle lease.

New Borrowing: The Council plans to use internal borrowing to fund £5.00m for leisure facilities over the next two financial years. Borrowing for the leisure facilities will provide a financial return for the Council, which will repay the financing costs and supplement the General Fund balance.

There are no current plans for additional borrowing, but future substantial commercial investments would require agreed financing strategies.

Investment Strategy

Investment Objectives: Surplus monies are invested in low-risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.

Current Investments: The Council currently holds £16.00m in treasury investments at an average interest rate of 4.1%. The Council aims to maximise investment returns where due

diligence results are satisfactory and risks are mitigated, with security and liquidity as primary considerations.

New Investments: The Council consults with Treasury Management advisors – Link Group, to determine low-risk investments that will help support cash-flow where necessary, or to fund capital expenditure. Cash flow forecasting determines when investments and redemptions are required to maximise the investment return, whilst ensuring liquidity and sustainability.

Table 4 shows a summary of the types of investment: The Council's investments include near-term investments expected to fluctuate between £15m and £7m during 2025/26, and longer-term investments held in pooled funds managed by external fund managers.

Table 4: Treasury Management Investments

	31.3.2024 Outturn	31.3.2025 Forecast	31.3.2026 Budget	31.3.2027 Budget	31.3.2028 Budget
Near-Term Investments	20,500	11,000	7,000	7,000	7,000
Longer-Term Investments	5,000	5,000	5,000	5,000	5,000
TOTAL	25,500	16,000	12,000	12,000	12,000

Table 5 shows the Rate of Return Received. This indicator measures the net investment income as a percentage of the initial investment. Due to the complexities of local government accounting, not all gains and losses are reflected in the revenue account in the year they occur.

Table 5: Investment Rate of Return (net of all costs)

	31.03.2024 Actual £000	31.03.2025 Actual £000	31.03.2026 Budget £000
Treasury Management Investments	4.1%	4.0%	3.25%
Financial Investments	4.4%	4.2%	4.00%
ALL INVESTMENTS	4.2%	4.1%	3.47%

Currently, there are no additional investment indicators. However, as the Council expands its commercial services, appropriate indicators will be introduced.

Note: For comprehensive details on the Council's policies and plans for Treasury Management Investments in 2025/26, please refer to the Treasury Management Strategy document (**Appendix 3**).

Treasury Risk Management

Investments are managed to balance the risk of loss against the risk of receiving returns below inflation. Near-term cash is invested securely, while longer-term funds are invested more widely, including in bonds, shares, and property.

Interest Rate Risk: Managed through a diversified investment portfolio and regular monitoring.

Credit Risk: Mitigated by investing in high-quality banks, government securities, and other local authorities.

Operational Risk: Managed through robust policies and procedures, including regular reviews and updates.

Governance and Oversight

Roles and Responsibilities: Daily treasury management decisions are delegated to the Chief Finance Officer and staff, who act in line with the approved strategy.

Knowledge and Skills: The team responsible for investment decision-making has considerable experience in treasury management. They attend regular training sessions conducted by our treasury management advisors, focusing on investment strategies and treatment. Our advisors are consulted on potential changes to our portfolio to ensure well-informed decisions.

Members receive treasury management training as needed, with the frequency and content adjusted based on requirements and changes. This helps ensure that members have the necessary knowledge and skills.

When Council staff lack specific expertise, we use external advisers and consultants who are specialists in their fields. Currently, the Council employs LINK as our treasury management advisors and the Valuation Office as our property advisors. This approach is cost-effective and ensures that the Council has access to the necessary expertise.

Policies and Procedures: The Council's Treasury Management Strategy outlines detailed policies and plans for 2025/26, ensuring alignment with strategic objectives.

Reporting and Monitoring: Regular reports on treasury management activities are presented to the Overview & Scrutiny Committee, with the Audit Committee responsible for scrutiny.

Risk Management

Effective risk management is essential for ensuring the success of Maldon District Council's capital investments. The following steps outline our approach:

Risk Identification: Conduct thorough assessments to identify potential risks, including financial, operational, and project-specific risks.

Risk Evaluation: Assess the likelihood and impact of each risk, prioritising those with the most significant potential effects.

Risk Mitigation: Develop contingency plans, secure appropriate insurance, and ensure robust contract management to address identified risks.

Monitoring and Reporting: Regularly review and update risk management plans, using Key Performance Indicators (KPIs) to track progress and effectiveness. Provide transparent reports to stakeholders.

Governance and Oversight: Implement internal and external audits and engage with stakeholders to ensure alignment with best practices and community expectations.

By following these steps, the Council ensures that capital projects are delivered on time, within budget, and to the required standards, supporting sustainable and prudent financial management.

Prudential Indicators

The Council must set and review an authorised borrowing limit annually, as required by the prudential code. Additionally, a lower “operational boundary” is established as a precaution if debt nears the limit.

Based on advice from our Treasury Management advisors, it is recommended to increase the operational boundary from £7m to £12m. This adjustment accounts for £10m of planned internal borrowing for Waste and Leisure capital investments, plus an extra £2m as a buffer for potential future borrowing needs.

Table 6 provides an outline of those prudential indicators that guide capital investment decisions and ensure the Council’s finances are sustainable.

Table 6: Authorised limit and operational boundary for external debt

	2023 / 24 limit £000	2024 / 25 limit £000	2025 / 26 limit £000	2026 / 27 limit £000	2027 / 28 limit £000
Authorised limit – borrowing	16,500	16,500	16,500	16,500	16,500
Amended Operational boundary – borrowing	7,000	12,000	12,000	12,000	12,000

While capital expenditure itself is not directly charged to the revenue budget, the associated costs, such as interest on loans and Minimum Revenue Provision (MRP), are charged to revenue. These costs are offset by any investment income received. The resulting net annual charge is referred to as financing costs. According to CIPFA guidance, these financing costs are compared to the net revenue stream, which includes funds from Council Tax, business rates, and general government grants.

Table 7 shows a summary of the proposed financing costs as a proportion of the net revenue stream.

Table 7: Prudential Indicator Proportion of financing costs to net revenue stream

	2023 / 24 Actual	2024 / 25 Actual	2025 / 26 Budget	2026 / 27 Budget	2027 / 28 Budget
Financing costs (£m)	0	155	282	290	295
Proportion of net revenue stream	0.00%	1.25%	2.23%	2.25%	2.27%


Updated Capital Programme 2025/26 - 2028/29		2025/26	2026/27	2027/28	2028/29
Project Title	Funding Source	£'000	£'000	£'000	£'000
Vehicle & Plant Replacement					
Trimas Pegasus - Grass cutting machine	Capital Receipts				
John Deere Gator Vehicle replacement	Capital Receipts				
Community Engagement Team Vehicle	Capital Receipts	18			
Maintenance Team Vehicle	Capital Receipts	35			
Tractor Side-Arm Flail	Capital Receipts	40			
Ride on Mower	Capital Receipts	35			
Parks Vehicle Transit	Capital Receipts	35			
Suez Waste Vehicles	Borrowing				
Car Parking					
White Horse Lane resurfacing	SEPP Grant				
Butt Lane subsidence repairs	SEPP Grant				
Information & Communication Technology					
PC and Printer Replacement Programme	Capital Receipts	47	47	47	47
Parks					
Promenade Park Amphitheatre Strengthening	Capital Receipts				
Goldhanger – Decommission garages	Capital Receipts				
Seawall and Coach Park toilets – lighting	Capital Receipts				
Matting Play surfacing for 4 sites	Capital Receipts				
Longfields pathways tarmacing	Capital Receipts				
Remembrance Avenue – Road resurface.	Capital Receipts				
New accessible playsite	Capital Receipts				
Fencing and Bollards - Parks	Capital Receipts	20			
Maldon District Council (MDC) Roads Resurfacing	Capital Receipts	98			
Splashpark element (Year 3)	Capital Receipts				
Brickhouse Farm					
Scout Hut – New flooring	Capital Receipts				
St Georges Play Site – Equipment refresh	Capital Receipts				
Rivers					
New Navigation buoys	Capital Receipts				
Burham-On-Crouch (BOC) houseboats berth	Capital Receipts				
Burham-On-Crouch Pontoon (UK Shared Prosperity Fund (UKSPF))	UKSPF				
Leisure & Sports					
Plume school - Replacement Carpet Astro pitch	Capital Receipts		125		
New Leisure Centre Facilities	Borrowing	4,000	1,000		
Changing Places	Changing Places Grant				
Cemeteries					
Renovation of garden of remembrance	Capital Receipts				
Play Equipment					
Prom Park - The Valley - Play Galleon	S106 Reserve				
District accessibility - BOC accessible play (UKSPF)	UKSPF				
Play equipment Prom Park sensory (UKSPF)	UKSPF				
Riverside Park - Skate park equipment and surface	S106 Reserve				
YFP - Lighting for youth facilities	PFC Grant				
YFP - Maldon Skate Park / BMX Track Resurfacing	S106 Reserve				
YFP - Riverside Skate Park Equipment and Surface	S106 Reserve				
YFP - West Maldon skate park / BMX track	S106 Reserve				
New Playsite Equipment	Capital Receipts	125	125		
Playsite Surfacing - Oaktree Meadow	Capital Receipts	60			
Play Site Fencing	Capital Receipts	60			
New accessible play site (Sensory)	S106 Reserve	100			
Housing					
Mandatory Disabled Facilities Grants	Disabled Facilities	539	539	539	539
Stephens House	S106 Reserve				

Updated Capital Programme 2025/26 - 2028/29		2025/26	2026/27	2027/28	2028/29
Project Title	Funding Source	£'000	£'000	£'000	£'000
Community					
UKSPF Core Capital	UKSPF Grant				
Rural Englang Prosperity Fund (REPF) Capital	REPF Grant				
Total Capital Programme		5,212	1,836	586	586
		2025/26	2026/27	2027/28	2028/29
Funding					
		£'000	£'000	£'000	£'000
Capital Receipts Applied		(573)	(172)	(47)	(47)
S.106 Contributions		(100)	(125)	0	0
Internal Borrowing		(4,000)	(1,000)	0	0
Direct Revenue Financing		0	0	0	0
Government Grants		(539)	(539)	(539)	(539)
Total Capital Programme Funding		(5,212)	(1,836)	(586)	(586)

25/26 CAPITAL BIDS SUMMARY

Name	Service Area	Description		Cost 25/26 £
Community Engagement Team Vehicle	Community Engagement	Purchase of a new van to replace old one that has persistent issues	Essential	18,000
Maintenance Team Vehicle	Parks Vehicles	4x4 truck (Ford Ranger/Hilux) - 4x4 for Parks to enable access to sites with woodchipper etc in winter months. Potentially to replace EK64 LXP van as not to increase annual budget.	Essential	35,000
Tractor Side-Arm Flail	Parks Vehicles	Compact Tractor and side arm - To increase efficiency when cutting back footpaths, hard to reach areas. Limit HAVS exposure for operatives	Essential	40,000
Ride on Mower	Parks Vehicles	New JD 1570 outfront mower - To replace ride on mower in fleet which is 9-10 years old and has safety concerns around vibrations for operatives	Essential	35,000
Parks Vehicle Transit	Parks Vehicles	Replacement of Parks vehicle BF14 GKZ	Essential	35,000
New Playsite Equipment	Play Provision	Play Sites – New play equipment across multiple sites due to depreciation / end of life. 2025/26 = £125,000. Riverside Park = £20,000 / Springfield = £30,000 / Oak Tree Meadow = £60,000 / West Maldon = £15,000. 2026/27 = Request for another £125,000.	Essential	125,000
Playsite Surfacing - Oaktree Meadow	Play Provision	Play Sites - New safety surfacing (Matta) to be installed at Oak Tree Meadow to remove the loose bark chips which have a health & hygiene risk as well as a low attenuation property	Essential	60,000
Play Site Fencing	Playsites	Play Site – Replacement steel bow top fencing. R&R.	Essential	60,000
Fencing and Bollards - Parks	Prom park	Prom Park – Low level fencing renewal. H&S. R&R. 2025/26		20,000
Maldon District Council (MDC) Roads Resurfacing	Road Resurfacing Works	Prom Park Emergency Road = £55,000 / Cobins Chase = £18,000 / Riverside Park Library Car Park = £25,000	Essential	98,000
Total				526,000

CAPITAL PROJECT SHEET


Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	1 x Community Engagement Team Vehicle		
Project Category <ul style="list-style-type: none"> • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C) 	Essential		
Project Lead Officer	Nicola Syder		
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	Replacement for . The vehicle disposal was in part due to the vehicle mechanically depreciating and financially depreciating. The vehicle is essential for daily operations within the team and to ensure MDC has the resource and resilience for Car parking patrols and parks security around the distict. The vehicle will be purchased as nearly new (used) from the sales market and will look to be hybrid or fully electrical, all green options will be assessed for viability.		
Project Start Date <i>(Month and year)</i>	May-25		
Project Completion Date <i>(Month and year)</i>	May-25		
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	NA		
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>			

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	18,000				
2026/27					
2027/28					
2028/29					
TOTAL	18,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Goals <i>Corporate goals:</i> 1) Strengthening communities to be safe, active and healthy 2) Protecting and shaping the District 3) Creating opportunities for economic growth and prosperity 4) Delivering good quality, cost effective and valued services	Protecting and shaping the district in aiding the team provide a maintenance service to its parks and all assets. Delivering good quality, cost effective services by not paying for a vehicle which is old and in need of repair.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	Potential to look at second hand vehicles to reduce cost but this brings the risk of acquiring vehicles with issues from day one whereas new they will come with a lengthy warranty etc. Potential to look at leasing to spread costs.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	NA
Are there Health & Safety implications? If so, please state	High likelihood of breakdown. This could impact operations and services. Potential H&S implications.
Is this part of a statutory obligation? If so, state how	NA
Is the project contractually committed to in any way? If so, please describe	NA
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Current vegicle will be sold resulting in a capital receipt. This request would use some of the disposal funds to purchase 1 x replacement vehicle.

CAPITAL PROJECT SHEET

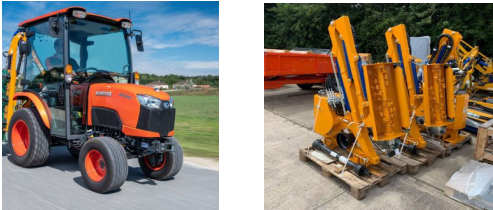
Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	1 x Maintenance Team Vehicle
Project Category <ul style="list-style-type: none"> • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C) 	Essential
Project Lead Officer	David Burnham
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	Replacement for the 3 x disposed Land Rovers within the maintenance team. Three Land Rovers were disposed at auction in July / August / September 2024 and achieved maximum disposal value which has gone back into MDC accounts. The vehicle disposal was in part due to the vehicles mechanically depreciating and financially depreciating. Two of the Land Rovers were at an age where they were experiencing faults and issues and uneconomic. 1 x replacement utility vehicle is essential for daily operations within the team and to ensure MDC has the resource and resilience for emergency planning / operations. The new vehicle would be comparable with the current vehicle fleet i.e. 4x4, towing capacity and capable of holding materials. This vehicle will also be a double cab. The vehicle will be purchased as nearly new (used) from the sales market and will look to be hybrid or fully electrical, all green options will be assessed for viability.
Project Start Date <i>(Month and year)</i>	May-25
Project Completion Date <i>(Month and year)</i>	May-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	NA
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	35,000				
2026/27					
2027/28					
2028/29					
TOTAL	35,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Goals <i>Corporate goals:</i> 1) Strengthening communities to be safe, active and healthy 2) Protecting and shaping the District 3) Creating opportunities for economic growth and prosperity 4) Delivering good quality, cost effective and valued services	Protecting and shaping the district in aiding the team provide a maintenance service to its parks and all assets. Delivering good quality, cost effective services by not paying for a vehicle which is old and in need of repair.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	Potential to look at second hand vehicles to reduce cost but this brings the risk of acquiring vehicles with issues from day one whereas new they will come with a lengthy warranty etc. Potential to look at leasing to spread costs.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	NA
Are there Health & Safety implications? If so, please state	High likelihood of breakdowns within the current fleet. Due to the disposal of 3 x vehicles there is no resilience nor utility vehicle to use. This could impact operations and services. Potential H&S implications.
Is this part of a statutory obligation? If so, state how	NA
Is the project contractually committed to in any way? If so, please describe	NA
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	3 x vehicles have been disposed with £40,000+ going back into accounts. This request would use some of the disposal funds to purchase 1 x replacement vehicle.

CAPITAL PROJECT SHEET


Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	Compact Tractor & Side arm flail
Project Category <ul style="list-style-type: none"> • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C) 	Essential
Project Lead Officer	Joe Poole
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	This compact tractor and machine has been identified as what could be an important piece of equipment for the Parks team. Since the removal of the Highway Rangers service Parks have had to pick up a lot of cutting back of footpaths. These footpaths can be quite lengthy including the ones that run alongside the Maldon bypass. This is quite literally miles of hedge cutting that we are currently having to try and carry out using hand held hedge trimmers. However if we were to invest in this machine it would save a lot of time, making us more efficient and also vastly limit operatives hand arm vibration (HAV) exposure which is a requirement of an employer to look to find ways to reduce HAVS exposure to it's employees. There is also the potential for further implements to be purchased at a later date which may be of use and provide commercial opportunities. We would look for best value alongside best machine for the task so it's possible it may not be a Kubota as pictured but it will either be this model or similar from a different manufacturer.
Project Start Date <i>(Month and year)</i>	Apr-25
Project Completion Date <i>(Month and year)</i>	Aug-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Staff time during procurement process, identifying best value supplier etc. There will be some additional maintenance costs, annual servicing.
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	40,000		500		
2026/27					
2027/28					
2028/29					
TOTAL	40,000	0	500	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	This machine will help the parks team to enhance our footpaths by ensuring they are well cut back each year for pedestrians. This in turn will provide a good quality service to our district
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	Identifying best value and unit could take time depending on availability at the time. Potential price increases have been factored into the above figure.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	N/A
Are there Health & Safety implications? If so, please state	This will safeguard operatives from a large amount of prolonged hand arm vibration exposure as it will limit the time hand held equipment is used. Our equipment is tested annually for hand arm vibration readings and given a reading in points per minute used. The daily limit for HAV exposure is 400 points per day. This means for a piece of equipment rated one point per minute the total time in use is 6 hours 40 minutes per day. However, if the equipment is rated at two points per minute the 'trigger' time (time in use) available for an operative becomes 3 hours 20 minutes per day. When bought new most hand held hedge trimmers are rated at 2 points per minute meaning a best case scenario is likely only just over 3 hours use per day for each operative. For hedge trimmers that are older they can easily become 3 or 4 points per minute vastly reducing the in use time available even more. This makes the task of cutting miles of footpath very difficult to schedule in whilst keeping inside the guidelines of safe working practices. Once the limit of 400 points is reached in one day the operative cannot be moved onto any other vibrating equipment. This is why compact tractor with side arm would prove so valuable as it massively reduces HAV exposure to the officer. Hand arm vibration syndrome is generally irreversible once a person is effected by it and can cause tingling/numbness in the fingers and hands, impaired movement, loss of strength, painful joints and hands can be extremely painful after being exposed to cold conditions.
Is this part of a statutory obligation? If so, state how	N/A
Is the project contractually committed to in any way? If so, please describe	N/A
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	This would continue to give opportunity to expand the teams commercial activity as this machine will help the team run more efficiently but also look at quoting for works it otherwise wouldn't have.

CAPITAL PROJECT SHEET


Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	Replacement 1570 John Deere Ride on Mower
Project Category • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C)	Essential
Project Lead Officer	Joe Poole
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	Parks John Deere 1570 (AW15 DJV) grass cutting machine is approaching 10 years old. This is a vital piece of equipment for our day to day maintenance of the open spaces. This particular machine produces a high level of vibration through the footplate and the reasoning for this is currently unknown as all obvious reasons such as unbalanced blades etc have been addressed. The high level of whole body vibration would be a H&S concern for any operative using the machine for a long period and can always produce higher levels of hand arm vibration through the steering wheel. Therefore we have to limit it's usage currently as we have a limit of 400 points per day for each member of staff. Vibration exposure on a ride on machine if it is significant must be considered the same as it would from hand held tools. The replacement machine would be road registered with safety features and also JD link.
Project Start Date <i>(Month and year)</i>	Apr-25
Project Completion Date <i>(Month and year)</i>	Jun-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Procurement Process
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	35,000				
2026/27					
2027/28					
2028/29					
TOTAL	35,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	Safer for operatives with less exposure to whole body vibration. Smarter finances to renew our equipment rather than use budgets for costly repairs. Helping to provide a good quality service to our districts open spaces.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	This machine will be brand new, we will need to identify a supplier at best value and secure the unit. Potential cost increases have been factored into the above cost.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	N/A
Are there Health & Safety implications? If so, please state	This would lower whole body vibration exposure levels to the operatives, which we are told in future the HSE will look into in more depth. WBV can cause musculoskeletal issues such as lower back pain, balance and co-ordination problems and fatigue. With the current machine as it stands this can also contribute to officers hand arm vibration exposure. Their daily limit is 400 points per minute and this can be easily met especially in the summer 10 hour days if equipment is not updated with newer models that produce less hand arm vibration exposure. Once an officer hits 400 points they are not allowed to use vibrating equipment for the rest of the day and this can be quite limiting in our area of work. Hand arm vibration exposure can cause life changing injuries to a person if it is not carefully managed and is why officers receive tool box talks about it to raise awareness. Hand arm vibration syndrome is generally irreversible. With a new machine there is also less risk of on site breakdowns. JD link comes with the machine and gives capability of seeing where the machine is at any given time. This can assist with lone working in the event of unanswered contact to operative they can be quickly located.
Is this part of a statutory obligation? If so, state how	N/A
Is the project contractually committed to in any way? If so, please describe	N/A
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	This is an important project in terms of continuing ground maintenance duties and service levels across the district and ensuring we have resilience to expand MDC's commercial opportunities should the chance arise.

CAPITAL PROJECT SHEET


Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	Replacement for Parks BF14 GKZ
Project Category • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C)	Essential
Project Lead Officer	Joe Poole
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	We would like to replace Parks vehicle BF14 GKZ with a newer model as it is now over 10 years old. This vehicle was purchased second hand under a previous management team and already had a high mileage when it arrived. The current mileage is now in excess of 120,000. We would aim to purchase an almost new transit van with guidelines set on under 2 years old and under 20,000 miles at point of purchase. Buying almost new second hand will allow us to quicker turnaround than buying brand new and also will be cheaper. The image below is similar to what we would look for. BF14 GKZ has a current value of around £1,500 to £2,000 which we could look to use as a trade in potentially. We considered E-Transit as an EV option however there are a few factors which we felt went against this choice. Parks generally will carry heavy loads (machinery, waste etc) which reduce the range of the battery. It is feared this may prove risky when travelling around the district and heighten the risk of running out of charge. Secondly we have no EV charging points at the depot yet and thirdly one of these vehicles would cost around £50,000 so there is a cost implication too.
Project Start Date <i>(Month and year)</i>	Apr-25
Project Completion Date <i>(Month and year)</i>	Jun-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	My time to identify vehicle and follow procurement process. No additional budget resource as this would replace an existing vehicle.
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
	£	One-off £	On-going £	Amount £	Source of costs
2025/26	35,000			1,000	trade in
2026/27					
2027/28					
2028/29					
TOTAL	35,000	0	0	1,000	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	Delivering good quality, cost effective services by having a newer vehicle which is reliable and needs less spent on it each year in repairs. Vehicle to be used delivering a service in the districts parks/open spaces. As above EV alternative was considered but decided in the case of vans carrying heavy loads the batteries are not sufficient yet to be reliable. Newer diesel vehicle will still be better with emissions than older one.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	It was found last year that purchasing a brand new vehicle could bring long lead times and delays, we are looking to avoid this by purchasing almost new second hand vehicles.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	N/A
Are there Health & Safety implications? If so, please state	Newer vehicles reduce the risk of breakdowns and therefore reduce the risk of staff being stranded in remote locations of the district until roadside recovery can be arranged.
Is this part of a statutory obligation? If so, state how	N/A
Is the project contractually committed to in any way? If so, please describe	N/A
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Delivery of ground maintenance obligations and will aid future commercial growth of the parks department with reliable vehicles, time savings.

CAPITAL PROJECT SHEET


Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	New Play Site Equipment - Oak Tree Meadow (Heybridge), Riverside Park (Burnham), Springfield (Burnham) and West Maldon (Maldon)
Project Category <ul style="list-style-type: none"> • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C) 	Essential
Project Lead Officer	David Burnham
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	New replacement play equipment is required for items that are current depreciated and near end of life within Oak Tree Meadow (Heybridge), Riverside Park (Burnham), Springfield (Burnham) and West Maldon (Maldon). Items of equipment have become uneconomic for repairs and renewals. There are a number of H&S defects within items of equipment that pose a level of risk that could be associated to accidents and incidents within the play sites. The likelihood / severity of accidents and incidents will increase if depreciated equipment is left for a longer period of time. Once the equipment becomes high risk it will be isolated from public use which would not be good practice for MDC within the local communities. The installation of new equipment will mitigate all H&S issues and ensure that the community can participate in activity safely for many years to come.
Project Start Date <i>(Month and year)</i>	May-25
Project Completion Date <i>(Month and year)</i>	Jun-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Tender to be completed via the Asset and Maintenance Team Leader in working partnership with the procurement team. The works will be completed via a specialist contractor and under the ESPO Playground Framework. 2025/26 = £125,000. Riverside Park = £20,000 / Springfield = £30,000 / Oak Tree Meadow = £60,000 / West Maldon = £15,000.
Picture <i>(insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	125,000				
2026/27	125,000				
2027/28					
2028/29					
TOTAL	250,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	This project comes under H&S. The project links with the below corporate priorities: 1, 2 & 6. Strengthening communities to be safe, active and healthy - the works are required under Health & Safety to ensure we act in a reasonable manner and that we protect the public against accidents and incidents within our play sites.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	No foreseen risks to the delivery of the project.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	None at present.
Are there Health & Safety implications? If so, please state	The current condition of aspects of the play site equipment present H&S risks. If left in the current condition there is a high likelihood of accidents and incidents.
Is this part of a statutory obligation? If so, state how	There is a statutory requirement and duty of care for play site safety and standards. This comes under BSEN1176 and BSEN1177 for play site safety.
Is the project contractually committed to in any way? If so, please describe	Not at present.
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Not at present.

CAPITAL PROJECT SHEET


Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	New Play Site Safety Surfacing - Oak Tree Meadow (Heybridge)
Project Category <ul style="list-style-type: none"> • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C) 	Essential
Project Lead Officer	David Burnham
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	The play site at Oak Tree Meadow in Heybridge requires new safety surfacing installed under the current large and high rope climber play equipment. This falls under H&S as is due to the current loose bark surface having a number of safety defects, which includes health & hygiene risks. Other risks with the loose bark surface focus on a reduction in the chances of head injuries occurring, there are recommended layers of thickness, which are currently very hard to ensure and adhere to. BSEN1177 solely concerns the testing of impact absorbing surfaces, which is a risk within this play site with the continuation of bark. All other surfacing requirements and recommendations are contained in BSEN1176. Impact Absorbing Playground Surfaces: Performance Requirements and Test Methods. All these factors have an increased the risk outcome with the bark surface in place at Oak Tree Meadow, which could result in serious accidents or incidents. Without the required safety surfacing MDC is not compliant under BSEN1176 and BSEN1177 for play site safety.
Project Start Date <i>(Month and year)</i>	Oct-25
Project Completion Date <i>(Month and year)</i>	Nov-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Tender to be completed via the Asset and Maintenance Team Leader in working partnership with the procurement team. The works will be completed via a specialist contractor and under the ESPO Playground Framework.
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	60,000				
2026/27					
2027/28					
2028/29					
TOTAL	60,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	This project comes under H&S. The project links with the below corporate priorities: 1, 2 & 6. Strengthening communities to be safe, active and healthy - the works are required under Health & Safety to ensure we act in a reasonable manner and that we protect the public against accidents and incidents within our play sites.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	No foreseen risks to the delivery of the project.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	None at present.
Are there Health & Safety implications? If so, please state	The current condition of aspects of the play site surface present H&S risks. If left in the current condition there is a high likelihood of accidents and incidents.
Is this part of a statutory obligation? If so, state how	There is a statutory requirement and duty of care for play site safety and standards. This comes under BSEN1176 and BSEN1177 for play site safety.
Is the project contractually committed to in any way? If so, please describe	Not at present.
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Invest to save. The loose bark surface is topped up twice per year and costs on average £4,000 per year. There is also a resource saving in terms of labour.

CAPITAL PROJECT SHEET

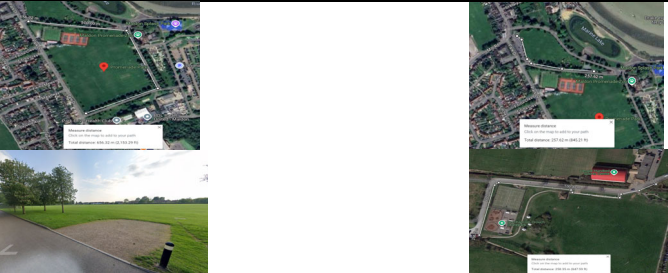
Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	New Play Site Safety Fencing - Oak Tree Meadow (Heybridge), Hester Place (Burnham) and Springfield (Burnham)
Project Category <ul style="list-style-type: none"> • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C) 	Essential
Project Lead Officer	David Burnham
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	Replacement play site fencing at Oak Tree Meadow (Heybridge), Springfield (Burnham) and Hester Place (Burnham). The current timber fencing is severely rotten across the majority of the play sites and end of life. The current play site fencing presents a high level of H&S risk due to a number of defects which includes sharps, potential falling hazard and failure to offer safe protection to children using the play site. All timber fencing will be decommissioned and steel bow top fencing will be installed to provide a safe, stable and longer life span solution. These works are required under BSEN1176 for playground safety standards.
Project Start Date <i>(Month and year)</i>	Nov-25
Project Completion Date <i>(Month and year)</i>	Dec-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Tender to be completed via the Asset and Maintenance Team Leader in working partnership with the procurement team. The works will be completed via a specialist contractor and under the ESPO Playground Framework.
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	60,000				
2026/27					
2027/28					
2028/29					
TOTAL	60,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	This project comes under H&S. The project links with the below corporate priorities: 1, 2 & 6. Strengthening communities to be safe, active and healthy - the works are required under Health & Safety to ensure we act in a reasonable manner and that we protect the public against accidents and incidents within our play sites.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	No foreseen risks to the delivery of the project.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	None at present.
Are there Health & Safety implications? If so, please state	The current condition of aspects of the play site fencing present H&S risks. If left in the current condition there is a high likelihood of accidents and incidents.
Is this part of a statutory obligation? If so, state how	There is a statutory requirement and duty of care for play site safety and standards. This comes under BSEN1176 and BSEN1177 for play site safety.
Is the project contractually committed to in any way? If so, please describe	Not at present.
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Not at present.

CAPITAL PROJECT SHEET

Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	New Protective Fencing and Bollards in Parks and Open Spaces - Prom Park / Riverside Park
Project Category • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C)	Essential
Project Lead Officer	David Burnham
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	Installation of new bird mouth fencing and proactive bollards within MDC public parks and open spaces (Prom Park / Riverside Park). The installation of this infrastructure will be in accordance with recommendations from the new legislation called Martyn's Law which has been brought in to enhance public safety by ensuring there is better preparedness for, and protection from, terrorist attacks. As MDC public parks and open spaces host very large events these works will be crucial for enhancing the onsite safety measures while this events take place. All fencing and bollards will be strategically installed to ensure they are functional for events and all year round, these works will help future proof the safety of the spaces and ensure that items installed are visually fitting with the settings they are in. The works will connect with the Prom Park management plan and Prom Park risk assessment.
Project Start Date <i>(Month and year)</i>	Apr-25
Project Completion Date <i>(Month and year)</i>	Apr-25
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Tender to be completed via the Asset and Maintenance Team Leader in working partnership with the procurement team. The works will be completed via a specialist contractor and under a civils framework.
Picture <i>(Insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>	

	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	20,000				
2026/27					
2027/28					
2028/29					
TOTAL	20,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	This project comes under H&S. The project links with the below corporate priorities: 1, 2 & 6. Strengthening communities to be safe, active and healthy - the works are required under Health & Safety to ensure we act in a reasonable manner and that we protect the public against potential accidents and incidents that could occur within our parks and open spaces.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	No foreseen risks to the delivery of the project.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	None at present.
Are there Health & Safety implications? If so, please state	The current condition of fencing and bollards within our public parks and open spaces would not be sufficient under the new protective legislation for the public called Martyn's Law. Martyn's Law has been brought in to enhance public safety by ensuring there is better preparedness for, and protection from, terrorist attacks. The current infrastructure in terms of protective measures requires these works to ensure the public are as safe as possible when attending medium to large events on MDC land.
Is this part of a statutory obligation? If so, state how	There is a duty of care in conjunction with Martyn's Law.
Is the project contractually committed to in any way? If so, please describe	Not at present.
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Prom Park Management Plan

CAPITAL PROJECT SHEET

Project Name & Location <i>(Enter a meaningful title for the project and provide details of the location of the project)</i>	MDC Road Resurfacing Works - Prom Park Emergency Road = £55,000 / Cobbins Chase = £18,000 / Riverside Park Library Car Park = £25,000				
Project Category • Essential (E) • Service failure (SF) • Service improvement (SI) • Commercial (C)	Essential				
Project Lead Officer	David Burnham				
Project Description <i>(Clearly set out what the overall purpose and main aims of the project are)</i>	Resurfacing of the Prom Park emergency road, Riverside Park Car Park and Cobbins Chase due to depreciation and H&S concerns / risk (large surface holes / cracks). All of these MDC roadways have a large amount of vehicle footfall throughout the year, this results in depreciation of the road surface. There are currently a number of H&S concerns with the life expectancy of the current surfaces which have been patch repaired on numerous occasions over the years. This is now not an option as the majority of the tarmac surface is breaking up and out. Failure to resurface the roadways could result in incidents and accidents including slips, trips and falls to the public and also other H&S concerns with vehicle access / usage.				
Project Start Date <i>(Month and year)</i>	Dec-25				
Project Completion Date <i>(Month and year)</i>	Feb-25				
Resource Implications <i>(Identify what resources are needed (i.e. staff time, contractor resources, maintenance costs))</i>	Tender to be completed via the Asset and Maintenance Team Leader in working partnership with the procurement team. The works will be completed via a specialist contractor and under a civils framework agreement.				
Picture <i>(insert a picture in relation to the project (i.e. the defective site, the area for improvement, the asset due for replacement))</i>					
	Capital Expense	Revenue Implications		External Funding	
		One-off	On-going	Amount	Source of costs
	£	£	£	£	
2025/26	98,000				
2026/27					
2027/28					
2028/29					
TOTAL	98,000	0	0	0	0

CAPITAL PROJECT SHEET

Describe links to Corporate Priorities: 1. Supporting our communities 2. Enhancing and connecting our place 3. Helping the economy to thrive 4. Smarter finances 5. A greener future 6. Provide good quality services	This project comes under H&S. The project links with the below corporate priorities: 1, 2 & 6. Strengthening communities to be safe, active and healthy - the works are required under Health & Safety to ensure we act in a reasonable manner and that we protect the public against accidents and incidents on our pathways and roadways.
Are there any risks to the delivery of this project in the timeframe and/or costs detailed above. (Please provide details).	No foreseen risks to the delivery of the project.
Are any statutory consents required as part of this project? If so, please state (i.e. planning consent, MMO licence etc)	None at present.
Are there Health & Safety implications? If so, please state	The current condition of the surfaces present H&S risks. If left in the current condition there is a high likelihood of accidents and incidents.
Is this part of a statutory obligation? If so, state how	There is a statutory requirement and duty of care to ensure the roads / pathways are safe for use. This comes under the Highways Act 1980 and part of Road Traffic Act 1988.
Is the project contractually committed to in any way? If so, please describe	Not at present.
Is there any linkage to other plans (i.e. business plan objectives)? If so, please provide details	Not at present.

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Annual Minimum Revenue Provision Statement 2025/26

Introduction:

The guidance on Minimum Revenue Provision (MRP) is held in statute in the Capital finance: guidance on minimum revenue provision (5th edition) and the Guidance issued by the Secretary of State under section 21(1A) of the Local Government Act 2003. Local authorities are required to “have regard” to this guidance.

Local authorities must set aside funds annually to repay debt from capital expenditure, ensuring they do not take on more debt than they can afford. The amount of MRP is based on the Capital Financing Requirement (CFR), which represents the total amount of capital expenditure that has not yet been financed through revenue or other resources. Essentially, the CFR reflects the authority’s underlying need to borrow for capital purposes. It increases with new capital expenditure and decreases as debt is repaid or financed through other means.

Failure to charge MRP prudently can lead to financial risks, including the inability to repay debt, passing liabilities to future taxpayers, and encouraging unsustainable debt levels. The duty to charge MRP is crucial for maintaining the affordability of capital expenditure.

Regulation 27 of the guidance requires local authorities to charge MRP to their revenue account each year for all capital expenditure financed by debt. Regulation 28, introduced in 2008, allows flexibility in calculating MRP, provided the amount is prudent and in line with guidance.

1. MRP Methodologies Implemented:

The Department for Levelling Up, Housing and Communities (DLUHC) Guidance requires the Authority to approve an Annual MRP Statement each year and sets out several options for calculating a prudent amount of MRP. The Council has decided to adopt the following methods:

- **Asset Life Equal Instalment Method:** For capital expenditure on assets, MRP will be calculated using the asset life equal instalment method. This method spreads the cost of the asset evenly over its useful life.
- **Annuity Method:** For capital loans, MRP will be calculated using the annuity method. This method spreads the cost of the asset over its useful life in a way that reflects the time value of money, using the PWLB interest rate at the time the loan is agreed.

2. Changes to Policy or Methodologies from the Prior Year

Summary of Changes: This policy has been amended to adopt the annuity method for calculating MRP for capital loans.

Rationale: Due to the recent investment in the Leisure Contract and the proposed PWLB (Public Works Loan Board) loan to finance this investment over 20 years, the annuity method is preferred for calculating MRP over longer periods of time.

Financial Impact: The annuity method results in lower MRP charges in the early years and higher charges in later years, which can help manage cash flow more effectively. This approach considers the time value of money and ensures a more equitable impact on local taxpayers compared to the Equal Instalment Method.

3. Compliance with Statutory Requirements and Guidance

Statutory Requirements: The Authority has considered the requirements set out in statute and the DLUHC Guidance to ensure it is meeting its duty to make prudent provision.

Description of Departures: There are no departures from the statutory guidance in the current policy.

4. Voluntary Overpayment of MRP

Planned Overpayments: There are no overpayments planned at this time, but should approval be given, overpayments may be applied in future to reduce debt.

5. MRP Forecast

Based on the Authority's latest estimate of its Capital Financing Requirement (CFR) the budget for MRP has been set as follows:

Table 1: Minimum Revenue Provision Forecast 2024/25 – 2027/28

Minimum Revenue Provision Forecast				
Actual	Forecast	Budget	Budget	Budget
2023/24	2024/25	2025/26	2026/27	2027/28
£'000	£'000	£'000	£'000	£'000
226	12	529	642	678

Treasury Management Strategy 2025/26

Maldon District Council

Introduction

The Authority is required to operate a balanced revenue budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low-risk counterparties or instruments commensurate with the Authority's low risk appetite, providing adequate liquidity initially before considering investment return.

The second main function of the treasury management service is the funding of the Authority's capital plans. These capital plans provide a guide to the borrowing need of the Authority, essentially the longer-term cash flow planning, to ensure that it can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans or using longer-term cash flow surpluses.

The contribution the treasury management function makes to the Authority is critical, as the balance of debt and investment operations ensure liquidity or the ability to meet spending commitments as they fall due, either on day-to-day revenue or for larger capital projects. The treasury operations will see a balance of the interest costs of debt and the investment income arising from cash deposits affecting the available budget. Since cash balances generally result from reserves and balances, it is paramount to ensure adequate security of the sums invested, as a loss of principal will in effect result in a loss to the General Fund Balance.

The Chartered Institute of Public Finance and Accountancy (CIPFA) defines treasury management as:

"The management of the local authority's borrowing, investments and cash flows, including its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."

Whilst any commercial initiatives or loans to third parties will impact on the treasury function, these activities are generally classed as non-treasury activities, (arising usually from capital expenditure), and are separate from the day-to-day treasury management activities.

UK Context

At its December meeting, the Bank of England (BoE) maintained the Bank Rate at 4.75%, following two cuts in 2024. The BoE's cautious approach reflects ongoing concerns about inflation, which stood at 2.6% in November 2024.

UK inflation is projected to rise to 3% in early 2025 due to increasing gas prices but is expected to fall back to around 2% by the end of the year. The Monetary Policy Committee (MPC) has indicated that further rate cuts will be data-dependent, with markets currently forecasting the Bank Rate to reach 3.75% by the end of 2025.

The Autumn Budget, delivered on 30 October 2024, outlined significant public investment plans, including over £100 billion for infrastructure projects over the next five years. The government's fiscal policies, including increased spending on health and public services, will be crucial in shaping the MPC's future decisions.

The next Quarterly Monetary Policy Report in February 2025 will provide further insights into the economic outlook and potential adjustments to the Bank Rate.

Local Context

As of 31 December 2024, the Council held no borrowing and £24m of investments. This is set out in further detail in Table 4.

Table 1 shows the forecasted investment balances on 31 March 2025 by reserve category, with £2.6m retained for working capital.

Investments are forecast to fall to £12.4m by 31 March 2028, following the use of general reserves, capital receipts and capital grants allocated to fund the capital programme.

Table 1: Expected Investments

Year End Resources (£m)	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
	Outturn	Outturn	Forecast	Estimate	Estimate	Estimate
Useable Reserves	-13,187	-15,844	-16,683	-12,054	-10,499	-10,807
Capital Reserves	-1,683	-2,135	-1,468	-975	-1,053	-1,256
Provisions Reserve	-916	-100	-100	-100	-100	-100
Other Reserves	-12,433	-9,679	-1,709	-2,831	-3,308	-2,797
Total Core Funds	-28,219	-27,758	-19,960	-15,960	-14,960	-14,960
Working Capital	723	2,600	2,600	2,600	2,600	2,600
Expected investments	-27,496	-25,158	-17,360	-13,360	-12,360	-12,360

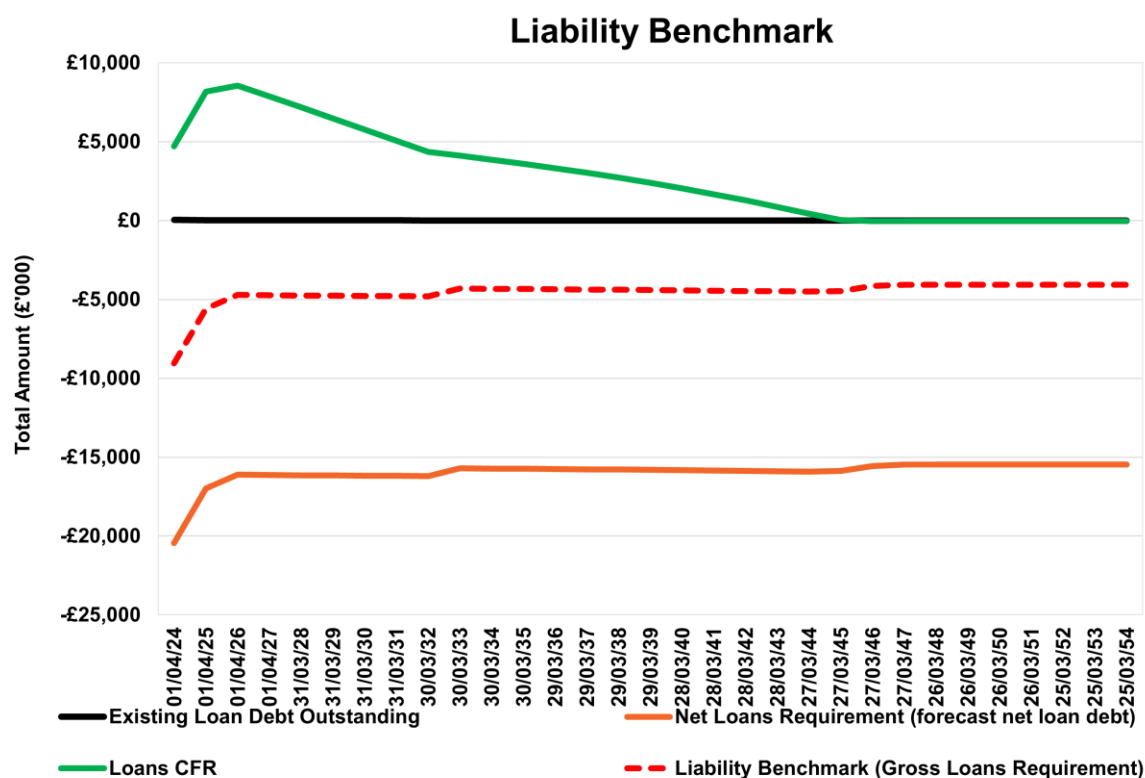
Chart 1: Liability Benchmark

Chart 1 illustrates that Maldon District Council has a borrowing requirement up to £8.5 million, as indicated by the Loans Capital Financing Requirement (CFR). However, the Liability Benchmark of £2 million, on average, shows that there is room to borrow internally to support the capital programme. This internal borrowing strategy is currently suitable because borrowing costs are high. The treasury team, with guidance from their appointed advisors, will monitor this strategy.

The Liability Benchmark is effectively the Net Borrowing Requirement of a local authority plus a liquidity allowance. In its simplest form, it is calculated by deducting the amount of investable resources available on the balance sheet (reserves, cash flow balances) from the amount of outstanding external debt, and then adding the minimum level of investments required to manage day-to-day cash flow.

CIPFA recommends that the optimum position for external borrowing should be at the level of the Liability Benchmark (i.e., all balance sheet resources should be used to maximise internal borrowing). If the outputs show future periods where external loans are less than the Liability Benchmark, then this indicates a borrowing requirement thus identifying where the authority is exposed to interest rate, liquidity and refinancing risks. Conversely where external loans exceed the Liability Benchmark then this will highlight an overborrowed position which will result in excess cash in the organisation requiring investment thus exposing the authority to credit and reinvestment risks and a potential cost of carry.

Borrowing Strategy

The Council does not currently have any external borrowing. However, the Council plans to fund capital expenditure of £5.00m on leisure facilities between 2025/26 and 2026/27. This will be financed from internal borrowing from the council's cash balances and will be repaid through a management fee over the 20-year contract.

In addition, the Council may borrow short-term loans, if required, to cover unplanned cash flow shortages.

Sources of External Borrowing: The approved sources of long-term and short-term borrowing are:

- HM Treasury's PWLB lending facility (formerly the Public Works Loan Board)
- any institution approved for investments (see below)
- any other bank or building society authorised to operate in the UK
- any other UK public sector body
- UK public and private sector pension funds (except our Local Government Pension Fund)
- capital market bond investors
- UK Municipal Bonds Agency plc and other special purpose companies created to enable local authority bond issues

Other sources of debt finance: In addition, capital finance may be raised by the following methods that are not borrowing, but may be classed as other debt liabilities:

- leasing
- hire purchase (this is currently being utilised to acquire 2 tractors)
- Private Finance Initiative
- sale and leaseback

Municipal Bonds Agency: UK Municipal Bonds Agency plc was established in 2014 by the Local Government Association as an alternative to the PWLB. It issues bonds on the capital markets and lends the proceeds to local authorities. This is a more complicated source of finance than the PWLB for two reasons: borrowing authorities will be required to provide bond investors with a guarantee to refund their investment in the event that the agency is unable to for any reason; and there will be a lead time of several months between committing to borrow and knowing the interest rate payable. Any decision to borrow from the Agency will therefore be the subject of a separate report to full Council.

Short-term and variable rate loans: These loans leave the Council exposed to the risk of short-term interest rate rises and are therefore subject to the interest rate exposure limits in the treasury management indicators below.

Treasury Investment Strategy 2025/26

The Council holds significant invested funds, representing income received in advance of expenditure, plus balances and reserves held. In the past 12 months, the Council's investment balance has ranged between £26m and £17m. Levels are expected to decrease in the

forthcoming year, as internal borrowing is utilised to fund planned capital and revenue expenditure.

Objectives: The CIPFA Code requires the Council to invest its treasury funds prudently, and to have regard to the security and liquidity of its investments before seeking the highest rate of return, or yield. The Council's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income. Where balances are expected to be invested for more than one year, the Council will aim to achieve a total return that is equal or higher than the prevailing rate of inflation, in order to maintain the spending power of the sum invested. The Authority aims to be a responsible investor and will consider Environmental, Social and Governance (ESG) issues when investing.

Negative interest rates: Since investments cannot pay negative income, negative rates will be applied by reducing the value of investments. In this event, security will be measured as receiving the contractually agreed amount at maturity, even though this may be less than the amount originally invested.

Strategy: The Authority expects to be a long-term investor and treasury investments will therefore include both short-term low risk instruments to manage day-to-day cash flows and longer-term instruments where limited additional risk is accepted in return for higher investment income to support local public services.

ESG policy: ESG considerations are increasingly a factor in global investors' decision making, but the framework for evaluating investment opportunities is still developing and therefore the Authority's ESG policy does not currently include ESG scoring or other real-time ESG criteria at an individual investment level. However, when investing in banks and funds, the Authority has sought to exclude counterparties with any known links to the Russian Federation or Modern Slavery.

Business models: Under the new IFRS 9 standard, the accounting for certain investments depends on the Council's "business model" for managing them. The Council aims to achieve value from its treasury investments by a business model of collecting the contractual cash flows and therefore, where other criteria are also met, these investments will continue to be accounted for at amortised cost.

Approved counterparties: The Council may invest its surplus funds with any of the counterparty types in Table 2 below, subject to the limits shown.

Table 2: Treasury investment counterparties and limits

Sector	Time limit	2024/25 Counterparty limit	2025/26 Proposed Counterparty Limit	Current Sector limit	Proposed Sector Limit
The UK Government	50 years	Unlimited	Unlimited	n/a	n/a
Local authorities & other government entities	25 years	£2m	£2m	Unlimited	Unlimited
Secured investments	25 years	£2m	£2m	Unlimited	Unlimited
Banks (unsecured investments)	13 months	£2m	£2m	Unlimited	Unlimited
Banks (operational banking)	Ongoing	£3m	£3m	Unlimited	Unlimited
Building societies (unsecured)	13 months	£2m	£2m	£5m	£5m
Registered providers (unsecured)	5 years	£2m	£2m	£5m	£5m
Money market funds	n/a	£5m	£5m	£20m	£20m
Strategic pooled funds	n/a	£5m	£5m	£12m	£12m
Real estate investment trusts	n/a	£5m	£5m	£12m	£12m
Other investments	5 years	£2m	£2m	£5m	£5m

This table must be read in conjunction with the notes below:

Minimum credit rating: Treasury investments in the sectors marked with an asterisk will only be made with entities whose lowest published long-term credit rating is no lower than [A-]. Where available, the credit rating relevant to the specific investment or class of investment is used, otherwise the counterparty credit rating is used. However, investment decisions are never made solely based on credit ratings, and all other relevant factors including external advice will be taken into account.

Government: Loans to, and bonds and bills issued or guaranteed by, national governments, regional and local authorities and multilateral development banks. These investments are not subject to bail-in, and there is generally a lower risk of insolvency, although they are not zero risk. Investments with the UK Government are deemed to be zero credit risk due to its ability to create additional currency and therefore may be made in unlimited amounts for up to 50 years.

Secured investments: Investments secured on the borrower's assets, which limits the potential losses in the event of insolvency. The amount and quality of the security will be a key factor in the investment decision. Covered bonds and reverse repurchase agreements with banks and building societies are exempt from bail-in. Where there is no investment specific credit rating, but the collateral upon which the investment is secured has a credit rating, the

higher of the collateral credit rating and the counterparty credit rating will be used. The combined secured and unsecured investments with any one counterparty will not exceed the cash limit for secured investments.

Banks and building societies (unsecured): Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks. These investments are subject to the risk of credit loss via a bail-in should the regulator determine that the bank is failing or likely to fail. See below for arrangements relating to operational bank accounts.

Registered providers (unsecured): Loans to, and bonds issued or guaranteed by, registered providers of social housing or registered social landlords, formerly known as housing associations. These bodies are regulated by the Regulator of Social Housing (in England), the Scottish Housing Regulator, the Welsh Government and the Department for Communities (in Northern Ireland). As providers of public services, they retain the likelihood of receiving government support if needed.

Money Market Funds (MMF): Pooled funds that offer same-day or short notice liquidity and very low or no price volatility by investing in short-term money markets. They have the advantage over bank accounts of providing wide diversification of investment risks, coupled with the services of a professional fund manager in return for a small fee. Although no sector limit applies to money market funds, the Authority will take care to diversify its liquid investments over a variety of providers to ensure access to cash at all times.

Strategic pooled funds: Bond, equity and property funds that offer enhanced returns over the longer term but are more volatile in the short term. These allow the Council to diversify into asset classes other than cash without the need to own and manage the underlying investments. Because these funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Council's investment objectives will be monitored regularly.

Real Estate Investment Trusts (REIT): Shares in companies that invest mainly in real estate and pay the majority of their rental income to investors in a similar manner to pooled property funds. As with property funds, REITs offer enhanced returns over the longer term, but are more volatile especially as the share price reflects changing demand for the shares as well as changes in the value of the underlying properties.

Operational bank accounts: The Council may incur operational exposures, for example through current accounts, collection accounts and merchant acquiring services, to any UK bank with credit ratings no lower than BBB- and with assets greater than £25 billion. These are not classed as investments but are still subject to the risk of a bank bail-in, and balances will therefore have kept below £3m per bank. The Bank of England has stated that in the event of failure, banks with assets greater than £25 billion are more likely to be bailed-in than made insolvent, increasing the chance of the Council maintaining operational continuity.

Risk assessment and credit ratings: Credit ratings are obtained and monitored by the Council's treasury advisers, who will notify changes in ratings as they occur. The credit rating agencies in current use are listed in the Treasury Management Practices document at **Appendix 3a**. Where an entity has its credit rating downgraded so that it fails to meet the approved investment criteria then:

- no new investments will be made,
- any existing investments that can be recalled or sold at no cost will be, and
- full consideration will be given to the recall or sale of all other existing investments with the affected counterparty.

Where a credit rating agency announces that a credit rating is on review for possible downgrade (also known as “rating watch negative” or “credit watch negative”) so that it may fall below the approved rating criteria, then no investments will be made with that organisation until the outcome of the review is announced. This policy will not apply to negative outlooks, which indicate a long-term direction of travel rather than an imminent change of rating.

Other information on the security of investments: The Council understands that credit ratings are good, but not perfect, predictors of investment default. Full regard will therefore be given to other available information on the credit quality of the organisations in which it invests, including credit default swap prices, financial statements, information on potential government support, reports in the quality financial press and analysis and advice from the Council’s treasury management adviser. No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may otherwise meet the above criteria.

When deteriorating financial market conditions affect the creditworthiness of all organisations, as happened in 2008 and 2020, this is not generally reflected in credit ratings, but can be seen in other market measures. In these circumstances, the Council will restrict its investments to those organisations of higher credit quality and reduce the maximum duration of its investments to maintain the required level of security. The extent of these restrictions will be in line with prevailing financial market conditions. If these restrictions mean that insufficient commercial organisations of high credit quality are available to invest the Council’s cash balances, then the surplus will be deposited with the UK Government, or with other local authorities. This will cause investment returns to fall but will protect the principal sum invested.

Investment limits: The Council’s revenue reserves available to cover investment losses are forecast to be £7.1m on 31st March 2025. In order that available reserves will not significantly be put at risk in the case of a single default, the maximum that will be lent to any one organisation including UK Local Government Authorities (other than the UK Government) will be £2 million (excluding Natwest, the Council’s operational bank). A group of banks under the same ownership will be treated as a single organisation for limit purposes. Limits will also be placed on fund managers, investments in brokers’ nominee accounts, foreign countries and industry sectors as below. Investments in pooled funds and multilateral development banks do not count against the limit for any single foreign country, since the risk is diversified over many countries.

Table 3: Investment limits

	Cash limit
Any single organisation, except the UK Central Government	£2m each
UK Central Government	unlimited
UK Local Government Authorities	£2m per Council

	Cash limit
Any group of organisations under the same ownership	£2m per group
Any group of pooled funds under the same management	£5m per manager
Registered providers and registered social landlords	£2m in total
Unsecured investments with building societies	£5m in total
Money market funds	£20m in Total

Liquidity management: The Council uses purpose-built cash flow forecasting methods to determine the maximum period for which funds may prudently be committed. The forecast is compiled on a prudent basis to minimise the risk of the Council being forced to borrow on unfavourable terms to meet its financial commitments. Limits on long-term investments are set by reference to the Council's medium-term financial plan and cash flow forecast.

The Council spreads its liquid cash over at multiple providers to ensure that access to cash is maintained in the event of operational difficulties at any one provider.

Treasury Management Prudential Indicators

The Council measures and manages its exposures to treasury management risks using the following indicators.

Security: The Council has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit score of its investment portfolio.

This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

Credit risk indicator	Investment Criteria	Target
Portfolio average credit score	1yr risk for A-rated counterparties	0.5%

Liquidity: The Council has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three-month period, without additional borrowing.

Liquidity risk indicator	Target £000
Total cash available within 3 months	£14,000

Interest rate exposures: This indicator is set to control the Council's exposure to interest rate risk. The upper limits on the one-year revenue impact of a 1% rise or fall in interest rates will be:

Interest rate risk indicator	Limit
Upper limit on one-year revenue impact of a 1% <u>rise</u> in interest rates	£190,000
Upper limit on one-year revenue impact of a 1% <u>fall</u> in interest rates	-£190,000

The impact of a change in interest rates is calculated on the assumption that maturing loans and investments will be replaced at current rates.

Maturity structure of borrowing: This indicator is set to control the Council's exposure to refinancing risk. The upper and lower limits on the maturity structure of borrowing will be:

Refinancing rate risk indicator	Upper limit	Lower limit
Under 12 months	100%	0%
12 months and within 24 months	100%	0%
24 months and within 5 years	100%	0%
5 years and within 10 years	100%	0%
10 years and above	100%	0%

As the Council does not have any external debt, the broad limits, above, have been set to allow any borrowing to be undertaken in the appropriate maturity band.

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Long Term Treasury Management Investments: The purpose of this indicator is to control the Council's exposure to the risk of incurring losses by seeking early repayment of its investments. The prudential limits on the long-term treasury management investments will be:

Price risk indicator	2025/26 £000	2026/27 £000	2027/28 £000
Limit on principal invested beyond year end	£7,500	£7,500	£7,500
Current long-term investments	£5,000	£5,000	£5,000

Long-term investments with no fixed maturity date include strategic pooled funds and real estate investment trusts but exclude money market funds and bank accounts with no fixed maturity date as these are considered short-term.

Related Matters

The CIPFA Code requires the Council to include the following in its treasury management strategy.

Financial derivatives: Some councils have previously made use of financial derivatives embedded into loans and investments both to reduce interest rate risk (e.g. interest rate collars and forward deals) and to reduce costs or increase income at the expense of greater risk (e.g. LOBO (Lender Option Borrower Option) loans and callable deposits). The general power of competence in section 1 of the *Localism Act 2011* removes much of the uncertainty over local authorities' use of standalone financial derivatives (i.e. those that are not embedded into a loan or investment).

The Council will only use standalone financial derivatives (such as swaps, forwards, futures and options) where they can be clearly demonstrated to reduce the overall level of the financial risks

that the Council is exposed to. Additional risks presented, such as credit exposure to derivative counterparties, will be considered when determining the overall level of risk.

Embedded derivatives, including those present in pooled funds and forward starting transactions, will not be subject to this policy, although the risks they present will be managed in line with the overall treasury risk management strategy.

Financial derivative transactions may be arranged with any organisation that meets the approved investment criteria, assessed using the appropriate credit rating for derivative exposures. An allowance for credit risk calculated using the methodology in the Treasury Management Practices document will count against the counterparty credit limit and the relevant foreign country limit.

In line with the CIPFA Code, the Council will seek external advice and will consider that advice before entering into financial derivatives to ensure that it fully understands the implications.

Markets in Financial Instruments Directive: The Council has opted up to professional client status with its providers of financial services, including advisers, banks, brokers and fund managers, allowing it access to a greater range of services but without the greater regulatory protections afforded to individuals and small companies. Given the size and range of the Council's treasury management activities, the Section 151 Officer considers this to be the most appropriate status.

Financial Implications of the Council's Treasury Management Strategy 2025/26

The budget for investment income in 2025/26 is £555,000, based on an average investment portfolio of £16m at an average interest rate of 3.47%. The budget for debt interest paid in 2025/26 is currently zero, as there are no plans for any external borrowing. However, interest will be charged to service budgets for internal borrowing, which will be held in reserve to boost invested balances. The estimate for interest lost due to internal borrowing in 2025/26 is £155,456. If actual levels of investments and borrowing, or actual interest rates, differ from that forecast, performance against budget may change.

Other Options Considered

The CIPFA Code does not prescribe a specific treasury management strategy for local authorities to adopt. The Section 151 Officer believes that the above strategy represents an appropriate balance between risk management and cost effectiveness. Some alternative strategies, with their financial and risk management implications, are listed below.

Alternative	Impact on income and expenditure	Impact on risk management
Invest in a narrower range of counterparties and/or for shorter times	Interest income will be lower	Lower chance of losses from credit related defaults, but any such losses may be greater
Invest in a wider range of counterparties and/or for longer times	Interest income will be higher	Increased risk of losses from credit related defaults, but any such losses may be smaller
Borrow additional sums at long-term fixed interest rates	Debt interest costs will rise; this is unlikely to be offset by higher investment income	Higher investment balance leading to a higher impact in the event of a default; however long-term interest costs may be more certain

Prospects for Interest Rates

The Authority has appointed Link Group as its treasury advisor and part of their service is to assist the Authority to formulate a view on interest rates. Link provided the following forecasts in December 2024.

Interest Rate Forecasts								
Bank Rate	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26
Link	4.75%	4.50%	4.25%	4.00%	4.00%	3.75%	3.75%	3.75%
Cap Econ	4.75%	4.50%	4.25%	4.00%	3.75%	3.50%	3.50%	3.50%
5Y PWLB RATE								
Link	5.00%	4.90%	4.80%	4.60%	4.50%	4.50%	4.40%	4.30%
Cap Econ	5.20%	5.10%	4.90%	4.80%	4.60%	4.60%	4.50%	4.50%
10Y PWLB RATE								
Link	5.30%	5.10%	5.00%	4.80%	4.80%	4.70%	4.50%	4.50%
Cap Econ	5.40%	5.30%	5.10%	5.00%	4.80%	4.80%	4.70%	4.60%
25Y PWLB RATE								
Link	5.60%	5.50%	5.40%	5.30%	5.20%	5.10%	5.00%	4.90%
Cap Econ	6.00%	5.70%	5.50%	5.30%	5.00%	4.90%	4.90%	4.80%
50Y PWLB RATE								
Link	5.40%	5.30%	5.20%	5.10%	5.00%	4.90%	4.80%	4.70%
Cap Econ	5.40%	5.30%	5.20%	5.20%	5.10%	5.00%	4.90%	4.80%

Gilt yields and PWLB rates

The overall longer-run trend is for gilt yields and PWLB rates to fall back over the time, as inflation continues to fall through 2025 and 2026. Target borrowing rates are set **two years forward** (as LINK expect rates to fall back) and the current PWLB (certainty) borrowing rates are set out below: -

PWLB debt	Current borrowing rate as at 18.09.24 p.m.	Target borrowing rate now (end of Q1 2026)	Target borrowing rate previous (end of Q4 2025)
5 years	4.76%	3.90%	3.70%
10 years	4.59%	4.10%	3.90%
25 years	4.97%	4.40%	4.20%
50 years	5.34%	4.20%	4.00%

Borrowing advice: LINK's long-term (beyond 10 years) forecast for Bank Rate remains at 3.00%. As all PWLB certainty rates are currently significantly above this level, borrowing strategies will need to be reviewed in that context. Overall, better value can be obtained at the shorter end of the curve and short-dated fixed LA to LA monies should also be considered. Temporary borrowing rates will, generally, fall in line with Bank Rate cuts.

LINKs suggested budgeted earnings rates for investments up to about three months' duration in each financial year are set out below.

Average earnings in each year	Now	Previously
2024/25 (residual)	4.60%	4.25%
2025/26	4.10%	3.35%
2026/27	3.70%	3.10%
2027/28	3.50%	3.25%
2028/29	3.50%	3.25%
Years 6 to 10	3.50%	3.25%
Years 10+	3.50%	3.50%

We will continue to monitor economic and market developments as they unfold. Typically, we formally review our forecasts following the quarterly release of the Bank of England's Monetary Policy Report but will consider our position on an ad hoc basis as required.

Our interest rate forecast for Bank Rate is in steps of 25 bps, whereas PWLB forecasts have been rounded to the nearest 10 bps and are central forecasts within bands of + / - 25 bps. Naturally, we continue to monitor events and will update our forecasts as and when appropriate.

Table 4 - Existing Investment and Debt Portfolio Position

	31 Dec 2024 Actual Portfolio £m	31 Dec 2024 Average Rate %
Total external borrowing	0	n/a
Total gross external debt	0	n/a
Treasury investments:		
UK Banks	2	4.6
Building societies (unsecured)	2	3.8
Certificate Deposit	0	0
Money Market Funds	6	7.3
Local Authorities	2	5.8
Other Financial Intermediaries	5	3.3
Debt management office	7	3.4
Total treasury investments	24	

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TREASURY MANAGEMENT PRACTICES PRINCIPLES AND SCHEDULES

Introduction:

The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management in the Public Services (the Code) was last revised in December 2021. The Code requires the setting out of the responsibilities and duties of Members and officers, allowing a framework for reporting and decision making on all aspects of treasury management. This Council had adopted the original Code and has similarly adopted the revised 2021 Code. The Code recommends the creation and maintenance of:

- A Treasury Management Policy Statement, stating the policies and objectives of its treasury management activities,
- Suitable Treasury Management Practices setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
- it has access to the appropriate level of expertise to be able to operate safely in all areas of investment and capital expenditure, and to involve members adequately in making properly informed decisions on such investments.

The Treasury Management Practices (TMPs) comprise:

TMP 1: RISK MANAGEMENT.....	3
TMP 2: PERFORMANCE MEASUREMENT	12
TMP 3: DECISION-MAKING AND ANALYSIS	14
TMP 4: APPROVED INSTRUMENTS, METHODS AND TECHNIQUES.....	16
TMP 5: ORGANISATION, CLARITY AND SEGREGATION OF RESPONSIBILITIES, AND DEALING ARRANGEMENTS	18
TMP 6: REPORTING REQUIREMENTS AND MANAGEMENT INFORMATION ARRANGEMENTS	22
TMP 7: BUDGETING, ACCOUNTING AND AUDIT ARRANGEMENTS.....	24
TMP 8: CASH AND CASH FLOW MANAGEMENT.....	27
TMP 9: MONEY LAUNDERING	29
TMP 10: TRAINING AND QUALIFICATIONS	31
TMP 11: USE OF EXTERNAL SERVICE PROVIDERS	32
TMP 12: CORPORATE GOVERNANCE.....	34

Schedules supporting these practices and other documents held at an operational level specify the systems and routines to be employed and the records to be maintained in fulfilling the Council's treasury functions.

TMP 1: RISK MANAGEMENT

All treasury management activities involve both risk and the pursuit of reward or gain for the Council. The council's policies and practices emphasise that the effective identification, management and containment of risk are the prime objectives of treasury management activities.

The Section 151 Officer will design, implement and monitor all arrangements for the identification, management and control of treasury management risk, will report at least annually on the adequacy/suitability thereof, and will report, as a matter of urgency, the circumstances of any actual or likely difficulty in achieving the organisation's objectives in this respect, all in accordance with the procedures set out in **TMP6 Reporting requirements and management information arrangements**. In respect of each of the following risks, the arrangements which seek to ensure compliance with these objectives are set out as schedules below.

- 1) **Credit and Counterparty Risk Management:** the risk of failure by a counterparty to meet its contractual obligations to the Council under an investment, borrowing, capital, project or partnership financing, particularly as a result of the counterparty's diminished creditworthiness, and the resulting detrimental effect on the Council's capital or current (revenue) resources.

Principle: *The Council regards a key objective of its treasury management activities to be the security of the principal sums it invests. Accordingly, it will ensure that its counterparty lists and limits reflect a prudent attitude towards organisations with whom funds may be deposited, and will limit its investment activities to the instruments, methods and techniques referred to in TMP4 Approved instruments, methods and techniques, and listed in the schedule. It also recognises the need to have, and will therefore maintain, a formal counterparty policy in respect of those organisations from which it may borrow, or with whom it may enter into other financing arrangements.*

Schedule:

Criteria to be used for creating / managing approved counterparty lists / limits	<p>The Section 151 Officer is responsible for setting a prudent criteria and the Council's treasury advisors will also provide guidance and assistance in setting the criteria.</p> <p>The criteria will be agreed by the Strategy and Resources Committee.</p> <p>The Council's treasury management advisors will advise on credit policy and creditworthiness related issues. The Council will maintain a counterparty list based on its criteria and will monitor and update the credit standing of the institutions on a regular basis. This assessment will include consideration of credit ratings from all 3 ratings agencies and other alternative assessments of credit strength (for example, statements of potential government support which now includes resolution mechanisms for failing financial institutions, CDS information, the composition of an institution's balance sheet liabilities). The Council will also take into account information on corporate developments of and market sentiment towards investment counterparties.</p> <p>The credit rating criteria will also apply to securities issued by financial and non-financial institutions, which in some instances, might be higher than that of the issuing institution.</p> <p>Higher time and cash limits may be set for secured investments (e.g. those with underlying collateral or which are by regulation excluded from being bailed-in/restructured in the event of financial distress.)</p> <ul style="list-style-type: none"> - Where there is no investment-specific rating, but collateral upon
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	<p>which the investment secured is rated, then the higher of the collateral and counterparty rating will be used to determine time and cash limits.</p>
<p>Approved methodology for changing limits and adding / removing counterparties</p> <p>Risk management :</p> <p>(a) creditworthiness deteriorates below the minimum criteria</p> <p>(b) ratings are placed on review for downgrade</p>	<p>The Section 151 Officer has delegated responsibility to add or delete counterparties and to review limits within the parameters of the criteria detailed above.</p> <p>Where an entity's credit rating is downgraded so that it fails to meet the minimum criteria, then:</p> <ul style="list-style-type: none"> - No new investments will be made, - Any existing investments that can be recalled or sold at no cost will be, and - Full consideration will be given to the recall or sale of other existing investments with the affected counterparty. <p>Where a credit rating is placed on review for possible downgrade (also termed 'rating watch negative' or 'credit watch negative') so that it may fall below the minimum approved credit criteria, then only investments that can be withdrawn on [the next working day] will be made with that organisation until the rating review has been completed and its outcome known.</p> <p>The policy in (b) will not apply for 'negative outlooks' which indicate a long-term direction of travel rather than a possibility of an imminent downgrade.</p>
<p>Counterparty list and limits</p>	<p>A full individual listing of banking counterparties based on the criteria will be maintained. As credit ratings etc. are subject to change without notice, an up-to-date lending list will be maintained on an ongoing basis.</p> <p>It may be impractical to have a pre-determined list of non-financial counterparties in whose securities investments might be made. The minimum credit rating criteria and whether the security is secured or unsecured will determine its selection for investment.</p> <p>No investments will be made with an organisation if there are substantive doubts about its credit quality, even though it may meet the minimum credit rating criteria.</p>
<p>Details of credit rating agencies' services and their application</p>	<p>The Council considers the ratings of all 3 ratings agencies (Standard & Poor's, Moody's and Fitch) when making investment decisions. Credit rating agency information is just one of a range of instruments used to assess creditworthiness of institutions.</p>
<p>Description of the general approach to collecting / using information other than credit ratings for counterparty risk assessment</p>	<p>The Council's Treasury Advisor provides timely information on counterparties, in terms of credit rating updates and economic summaries. Credit default swap information is received monthly, as well as information on share price.</p> <p>The Council's Treasury Advisor also undertakes analysis on the balance sheet structure of key banking institutions to help inform the potential restructure (i.e. bail-in) of a bank's unsecured liabilities should this be required by the regulatory Authorities.</p> <p>In addition, the Section 151 Officer reads quality financial press for information on counterparties.</p>

- 2) **Liquidity Risk Management:** the risk that cash will not be available when it is needed, that ineffective management of liquidity creates additional unbudgeted costs, and that the Council's business / service objectives will be thereby compromised.

Principle : *The Section 151 Officer will ensure the Council has adequate though not excessive cash resources, borrowing arrangements, overdraft or standby facilities to enable it at all times to have the level of funds available to it which are necessary for the achievement of its business/service objectives.*

The Council will only borrow in advance of need where there is a clear business case for doing so and will only do so for the current capital programme or to finance future debt maturities.

Schedule:

Cash flow and cash Balances	<p>The Council will aim for effective cash flow forecasting and monitoring of cash balances and will maintain an annual cash flow forecast.</p> <p>The Senior Accountant shall seek to optimise the balance held in the Council's main bank accounts at the close of each working day in order to minimise the amount of bank overdraft interest payable or maximise the amount of interest that can be earned by investing surplus funds.</p>
Short term investments	<p>The Council uses various Current and Call Accounts and Money Market Funds to manage its liquidity requirements. These Accounts/Funds are named on the Council's approved counterparty list. The maximum balance on each of these accounts is reviewed and set as part of the Council's investment strategy.</p>
Temporary Borrowing	<p>Temporary borrowing up to 364 days through the money market is available should there be a cash flow deficit at any point during the year.</p> <p>At no time will the outstanding total of temporary and long-term borrowing together with any bank overdraft exceed the Prudential Indicator for the Authorised Borrowing Limit agreed by the Council before the start of each financial year.</p>
Bank Overdraft and standby facilities	<p>The Council has no authorised overdraft limit with its bankers.</p>

- 3) **Interest Rate Risk Management:** The risk that fluctuations in the levels of interest rates create an unexpected or unbudgeted burden on the Council's finances, against which the Council has failed to protect itself adequately.

Principle: *The Council will manage its exposure to fluctuations in interest rates with a view to containing its interest costs, or securing its interest revenues, in accordance with the amounts provided in its budgetary arrangements as amended in accordance with TMP6 Reporting requirements and management information arrangements.*

Schedule:

<p>Minimum/maximum proportions of fixed/variable rate debt/interest</p>	<p>Borrowing / investments may be at a fixed or variable rate.</p> <p>The Prudential Code requires the Council to determine each year the maximum proportion of interest payable on net borrowing which is subject to fixed and variable interest rates. This is set each year as part of the annual budget setting process.</p> <p>In setting its forward Treasury Strategy on an annual basis, the Council will determine the necessary degree of certainty required for its plans and budgets but will, at the same time, allow sufficient flexibility to enable it to benefit from potentially advantageous changes in market conditions and level of interest rates and also to mitigate the effects of potentially disadvantageous changes.</p> <p>The Council will achieve this by the prudent use of its approved financing and investment instruments, methods and techniques, primarily to create stability and certainty of costs and revenues, but at the same time retaining a sufficient degree of flexibility.</p> <p>The Council may determine it is more cost effect in the short-term to fund its borrowing requirement through the use of internal resources ('internal borrowing') or through borrowing short-term loans. The benefits of such borrowing will be monitored regularly against the potential for incurring additional costs by deferring borrowing or refinancing in future years when interest rates are expected to be higher.</p>
<p>Managing changes to interest rate levels</p>	<p>The main impact of changes in interest rate levels is to monies borrowed and invested at variable rates of interest.</p> <p>Interest rate forecasts are provided by the Council's treasury advisors and are closely monitored by the Finance Manager. Variations from original estimates and their impact on the Council's debt and investments are notified to the Strategy and Resources Committee as necessary.</p> <p>For its investments, the Council also considers dealing from forward periods dependent upon market conditions. The Council's counterparty term limits will apply and will include the forward period of the investment.</p>

- 4) **Exchange Rate Risk Management:** The risk that fluctuations in foreign exchange rates create an unexpected or unbudgeted burden on the Council's finances against which the Council has failed to protect itself adequately.

Principle: *The Council will manage any exposure to fluctuations in exchange rates so as to minimise any detrimental impact on its budgeted income/expenditure levels.*

Schedule:

<p>Exchange rate risk management</p>	<p>This Council does not, on a day to day basis, have foreign currency transactions or receipts. Unexpected receipt of foreign currency will be converted to sterling at the earliest opportunity.</p>
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- 5) **Refinancing Risk Management:** The risk that maturing borrowings, capital, project or partnership financings cannot be refinanced on terms that reflect the provisions made by the organisation for those refinancings, both capital and current (revenue), and/or that the terms are inconsistent with prevailing market conditions at the time.

Principle: *The Council will ensure that its borrowing, private financing and partnership arrangements are negotiated, structured and documented, and the maturity profile of the monies so raised are managed, with a view to obtaining offer terms for renewal or refinancing, if required, which are competitive and as favourable to the organisation as can reasonably be achieved in the light of market conditions prevailing at the time.*

It will actively manage its relationships with its counterparties in these transactions in such a manner as to secure this objective and will avoid over reliance on any one source of funding if this might jeopardise achievement of the above.

Schedule:

Projected capital investment requirements	4 year projections are in place for capital expenditure and its financing or funding. Financing will be from capital receipts, reserves and any grants or contributions awarded, revenue resources or reserves. Funding will be from internal or external borrowing, as decided. The Council's projected long-term borrowing requirement will be linked to the projected Capital Financing Requirement.
Debt profiling, policies and practices	Any longer term borrowing will be undertaken in accordance with the Prudential Code and will comply with the Council's Prudential Indicators and the Annual Treasury Management Strategy. Where the lender to the Council is a commercial body the Council will aim for diversification in order to spread risk and avoid over-reliance on a small number of counterparties.
Policy concerning limits on revenue consequences of capital financings	The revenue consequences of financing the capital programme are included in cash flow models, annual revenue estimates and medium term forecasts.

- 6) **Legal and Regulatory Risk Management:** The risk that the Council itself, or an organisation with which it is dealing in its treasury management activities, fails to act in accordance with its legal powers or regulatory requirements, and that the Council suffers losses accordingly.

Principle: *The Council will ensure that all of its treasury management activities comply with its statutory powers and regulatory requirements. It will demonstrate such compliance, if required to do so, to all parties with whom it deals in such activities. In framing its credit and counterparty policy under TMP1(1) Credit and counterparty risk management, it will ensure that there is evidence of counterparties' powers, Council and compliance in respect of the transactions they may affect with the Council, particularly with regard to duty of care and fees charged.*

The Council recognises that future legislative or regulatory changes may impact on its treasury management activities and, so far as it is reasonably able to do so, will seek to minimise the risk of these impacting adversely on the organisation.

Schedule:

References to relevant statutes and regulations	<p>The treasury management activities of the Council shall comply fully with legal statute and the regulations of the Council. These are:</p> <ul style="list-style-type: none"> ▪ CIPFA's Treasury Management Code of Practice 2017 and subsequent amendments ▪ CIPFA Guide for Chief Financial Officers on Treasury Management in Local Authorities ▪ CIPFA Prudential Code for Capital Finance in Local Authorities and subsequent amendments ▪ CIPFA Standard of Professional Practice on Treasury Management ▪ The Local Government Act 2003 ▪ The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 SI 2003 No 3146, and subsequent amendments ▪ Pensions, England and Wales - The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 – SI 2009 No 3093 ▪ The Department for Levelling Up, Housing and Communities (DLUHC) statutory Guidance on Minimum Revenue Provision (MRP) ▪ The Office of the Deputy Prime Minister's (ODPM) (now DLUHC's) Guidance on Local Government Investments in England issued March 2004 and subsequent amendments ▪ The Local Authorities (Contracting out of Investment Functions) Order 1996 SI 1996 No 1883 ▪ Local Authority Accounting Panel (LAAP) Bulletins ▪ Code of Practice on Local Authority Accounting in the United Kingdom based on International Financial Reporting Standards (from 2010/11 onwards) ▪ Accounts and Audit Regulations 2015, as amended together with DLUHC's Guidance ▪ The Non Investment Products Code (formerly known as The London Code of Conduct) for principals and broking firms in the wholesale markets ▪ Council's Constitution including:- <ul style="list-style-type: none"> ○ Standing Order relating to Contracts ○ Financial Regulations ○ Scheme of Delegation
Procedures for evidencing the organisation's powers / Authorities to counterparties	<p>The Council's Financial Regulations contain evidence of the power/ Authority to act as required by section 151 of the Local Government Act 1972, under the general direction of the Strategy and Resources Committee.</p> <p>The Council will confirm, if requested to do so by counterparties, the powers and Authorities under which the Council effects transactions with them.</p> <p>Where required, the Council will also establish the powers of those with whom they enter into transactions, including any compliance requirements in respect of a duty of care and best practice.</p>

Required information from counterparties concerning their powers / Authorities	Lending shall only be made to institutions on the Council's authorised lending list or in securities which meet the Council's approved credit criteria. The Council will only undertake borrowing from approved sources such as the PWLB (Public Works Loan Board) (and its successor body), organisations such as the European Investment Bank and from commercial banks who are on the Council's list of authorised institutions, thereby minimising legal and regulatory risk. The list of approved sources of borrowing are contained in TMP 4.
Statement on political risks and management of the same	Political risk is managed by: <ul style="list-style-type: none"> • adoption of the CIPFA Treasury Management Code of Practice • adherence to Corporate Governance (<u>TMP 12 – Corporate Governance</u>)

- 7) **Fraud, Error and Corruption, and Contingency Management:** The risk that the Council fails to identify the circumstances in which it may be exposed to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings, and fails to employ suitable systems and procedures and maintain effective contingency management arrangements to these ends. It includes the area of risk referred to as operational risk.

Principle: *The Council will ensure that it has identified the circumstances which may expose it to the risk of loss through fraud, error, corruption or other eventualities in its treasury management dealings. Accordingly, it will employ suitable systems and procedures, and will maintain effective contingency management arrangements, to these ends.*

Schedule:

Details of systems and procedures to be followed, including Internet services	Segregation of duties minimises the possibility of fraud and loss due to error, and is detailed in TMP5 Organisation, clarity and segregation of responsibilities, and dealing arrangements. <ol style="list-style-type: none"> 1. <u>Electronic Banking and Dealing</u> <ol style="list-style-type: none"> (a) <u>Banking:</u> The Council's online banking service provided by Nat West is subject to separate log-on and password control allowing varying levels of access. Details of transactions and balances are available as required, and the system also holds historic data. Officers having access to the bank's online system are as follows: <ul style="list-style-type: none"> • Financial Services • Audit • IT <p>Officer access is reviewed at least 6 monthly or as necessary.</p> <ol style="list-style-type: none"> 2. <u>Standard Settlement Instructions (SSI) list :</u> <ul style="list-style-type: none"> • Brokers and counterparties with whom the Council deals direct are provided a copy of the SSI's. • Named officers will have Council to borrow from the PWLB and invest with the Debt Management Agency Deposit Facility.
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	<p>3. <u>Payment Authorisation</u> :</p> <ul style="list-style-type: none"> • Payments can only be authorised by agreed signatories of the Council, the list of signatories having previously been agreed with the Council's bank. • Inflow and outflow of monies borrowed and invested will only be from the counterparty's bank accounts.
Verification	<p>Loans and investments will be maintained on spreadsheets</p> <p>Transactions will be cross-checked against broker notes, counterparty confirmations and PWLB loan schedules by verifying dates, amounts, interest rates, maturity, interest payment dates etc.</p> <p>When receiving requests for change of payment details, due care will be exercised to ascertain the bona fide of the request and avoid potential fraud. Additional checks will be made through pre-existing contact details for the payee (and not those on the notice received for change of payment details) before altering payment details.</p>
Substantiation	<ol style="list-style-type: none"> 1. The Treasury Management system balances are reconciled with financial ledger codes at the end of each month and at the financial year end. 2. Working papers are retained for audit inspection. 3. The bank reconciliation is carried out monthly from the bank statement to the financial ledger.
Internal Audit	<p>Internal Audit carry out an annual regulatory review of the treasury management function including probity testing. See <u>TMP7 Budgeting, accounting and audit arrangements</u>.</p>
Contingency Management	<ol style="list-style-type: none"> 1. All treasury spreadsheets are retained on the Council's network. Daily back-ups are taken and maintained and network back-ups can be used by the IT services department to restore files, if necessary. 2. Network backups are held off site in a secure location. 3. Temporary off-site working facility: The officers who can avail of this facility following an emergency are Finance Manager and Senior Accountant who will individually be made aware of the procedures to follow. 4. Electronic Banking System Failure: Balance details will be obtained by phone from the Banks Corporate Service Team. Instructions for CHAPS (Clearing House Automated Payments System) payments will be made by Telephone or email. 5. The Business Continuity Plan is maintained by the Finance Manager.
Insurance Cover details	<p>The Council has Crime cover. Details of the provider and cover are held by the Senior Accountant</p>

- 8) **Market Risk Management:** This is the risk that, through adverse market fluctuations in the value of the principal sums the Council borrows and invests, its stated treasury management policies and objectives are compromised, against which effects it has failed to protect itself adequately.

Principle: *This Council will seek to ensure that its stated treasury management policies and objectives will not be compromised by adverse market fluctuations in the value of the principal sums it invests, and will accordingly seek to protect itself from the effects of such fluctuations.*

Schedule:

<p>Details of approved procedures and limits for controlling exposure to investments whose capital value may fluctuate (gilts, CDs etc.)</p>	<p>Investment instruments used by the external fund managers are subject to fluctuation in capital movements and exposed to interest rate risk. In order to minimise these risks capital preservation is set as the primary objective and pursuit of investment performance should be commensurate with this objective.</p> <p>Pooled funds with a Constant Net Asset Value (CNAV) – The Council currently uses pooled funds as per its Treasury Management Strategy and on advice from its treasury advisors.</p> <p>Additionally the following risk control guidelines are set for each fund as part of the fund management agreement to control market risk :</p> <p>(a) Maximum weighted average duration of the fund;</p> <p>(b) Maximum permitted exposure to gilts / bonds;</p> <p>(c) Maximum maturity of any instrument.</p>
<p>Accounting for unrealised gains / losses</p>	<p>The method of accounting for unrealised gains or losses on the valuation of financial assets comply with Accounting Code of Practice.</p>

- 9) **ESG policy:** Environmental, Social and Governance (ESG) considerations are increasingly a factor in global investors' decision making, but the framework for evaluating investment opportunities is still developing and therefore the Authority's ESG policy does not currently include ESG scoring or other real-time ESG criteria at an individual investment level. However when investing in banks and funds, the Authority has sought to exclude counterparties with any known links to the Russian Federation or Modern Slavery.

TMP 2: PERFORMANCE MEASUREMENT

Principle: *The Council is committed to the pursuit of value for money in its treasury management activities, and to the use of performance methodology in support of that aim, within the framework set out in its treasury management policy statement.*

Accordingly, the treasury management function will be the subject of ongoing analysis of the value it adds in support of the Council's stated business or service objectives. It will be the subject of regular examination of alternative methods of service delivery, or the availability of fiscal or other grant or subsidy incentives, and of the scope for other potential improvements. The performance of the treasury management function will be measured using the criteria set out below.

Schedule:

Policy concerning methods for testing value for money	<p>Best value reviews will include the production of plans to review the way services are provided by:</p> <ul style="list-style-type: none"> • Challenging • Comparing performance • Consulting with other users and interested parties • Applying competition principles <p>in order to pursue continuous improvement in the way the Council's functions are exercised, having regard to a combination of value for money, efficiency and effectiveness.</p>
Policy concerning methods for performance measurement	<ul style="list-style-type: none"> • Performance measurement at this Council is intended to calculate the effectiveness of treasury activity in delivering the strategic objectives set through the Treasury Management Strategy and the Council's Prudential Indicators and to enhance accountability. • Prudential Indicators are local to the Council and are not intended as a comparator between Authorities. • The performance review will be made in the light of general trends in interest rates during the year and how the decisions made corresponded with these trends and the Council's agreed strategy, i.e. the Council will avoid hindsight analysis. <p>Any comparison of the Council's treasury portfolio against recognised industry standards, market indices and other portfolios is intended to:</p> <ol style="list-style-type: none"> (i) allow the Council the opportunity to assess the potential to add value through changes to the existing ways in which its portfolio is managed and (ii) permit an informed judgement about the merits or otherwise of using new treasury management techniques or instruments. <p>In drawing any conclusions the Council will bear in mind that the characteristics of its treasury operations may differ from those of other councils, particularly with regard to the position on risk.</p>

Methodology to be applied for evaluating the impact of treasury management decisions	<p>Monitoring of the outcome of treasury management activity against Prudential Indicators approved by the Council will be carried out.</p> <p>The year-end Annual Treasury Report will also include, as a matter of course, the outturn against the PIs set prior to the commencement of the financial year and any in-year amendments.</p> <p>The Councils Treasury Management advisors compare the performance of the Councils in-house funds against all its other clients and submits the results quarterly.</p>
Methodology to be employed for measuring the performance of the Council's treasury management activities	<p>Treasury management activity is reported annually against strategy and prevailing economic and market conditions. The report will include</p> <ul style="list-style-type: none"> a) Total debt including average rate and maturity profile (where appropriate) b) The effect of new borrowing and/or maturities on the above c) The effect of any debt restructuring on the debt portfolio d) Total investments including average rate, credit and maturity profile e) The effect of new investments/redemptions/maturities on the above f) The rate of return on investments against their indices for internally and externally managed funds g) An analysis of any risks inherent within the investment portfolio (e.g. exposure to market movements in the value of CDs, gilts/bonds, callable deposits in their call period) h) A statement whether the treasury management activity resulted in a breach of the Prudential Indicators and other limits set within treasury strategy.
Best value	<p>The treasury management function will be the subject of ongoing analysis of the value it adds in support of the Council's stated corporate and service objectives.</p> <p>When tendering for treasury-related or banking services, the Council adheres to its Financial Regulations. These require that :</p> <ul style="list-style-type: none"> a) For a contract with a value below an agreed threshold, at least 1 but preferably 3 quotes and service delivery proposals are obtained b) For a contract with a value above an agreed threshold but below an agreed tender threshold, at least 3 written quotes and service delivery proposals are obtained c) For a contract above an agreed tender threshold but below the UK (Formerly EU) threshold a tender exercise in line with CIPFA best practice is performed. d) When placing a contract with a value in excess of the UK Threshold a tendering process that meets the requirements of the UK procurement procedures (Formerly OJEU (Official Journal of the European Union)) is undertaken. e) If necessary, the Council will also consult with other users of similar services as well as with interested parties. f) The Council will also evaluate alternative methods of the availability of fiscal, grant or subsidy initiatives, and service delivery.

TMP 3: DECISION-MAKING AND ANALYSIS

Principle: *The Council will maintain full records of its treasury management decisions, and of the processes and practices applied in reaching those decisions, both for the purposes of learning from the past, and for demonstrating that reasonable steps were taken to ensure that all issues relevant to those decisions were taken into account at the time. The issues to be addressed and processes and practices to be pursued in reaching decisions are detailed below.*

Schedule:

Major treasury decisions	<p>As a public service organisation, there is a requirement to demonstrate openness and accountability in treasury management activities. Accordingly, the Council will create and maintain an audit trail of major treasury management decisions which comprise either :</p> <ul style="list-style-type: none"> a) Options Appraisal to determine a funding decision b) raising a new long-term loan / long-term source of finance c) prematurely restructuring/redeeming an existing long-term loan(s) d) investing longer-term (i.e. in excess of 1 year) e) utilisation of investment instruments which constitute capital expenditure (i.e. loan capital/share capital in a body corporate) f) leasing g) change in banking arrangements h) appointing/replacing a treasury advisor i) appointing/replacing a fund manager
Process	The Council's strategy for the application of its treasury policy is set out in the annual Treasury Management Strategy.
Delegated powers for treasury management	The Section 151 Officer has delegated powers to carry out the Council's strategy for debt management, capital finance and borrowing, depositing surplus funds and managing the cash flows of the Council.
Issues to be addressed, evaluation, authorisation	<p>In exercising these powers, the Section 151 Officer and those to whom the treasury activity have been delegated will</p> <ul style="list-style-type: none"> • have regard to the nature and extent of any associated risks to which the Council may become exposed; • be certain about the legality of the decision reached and that the necessary authority to proceed has been obtained; • be satisfied that the documentation is adequate to deliver the Council's objectives, protect the Council's interests, and to maintain an effective audit trail; • ensure that the perceived credit risk associated with the approved counterparties is judged satisfactory and is within agreed limits; • be satisfied that the terms of any transactions have been fully checked against the market, and have been found to be competitive; • follow best practice in implementing the treasury transaction. <p>In exercising Borrowing and Funding decisions, the Section 151 Officer will :</p> <ul style="list-style-type: none"> • evaluate economic and market factors that may influence the manner and timing of any decision to fund; • consider alternative forms of funding, including use of revenue

	<p>resources, leasing and private partnerships;</p> <ul style="list-style-type: none"> • consider the use of internal resources and/or the most appropriate periods to fund and repayment profiles to use; • consider ongoing revenue liabilities created; • where applicable, monitor regularly the benefits of internal borrowing against the potential for incurring additional costs by deferring borrowing into future years • consider the alternative interest rate bases available, the most appropriate periods to fund and repayment profiles to use; • consider ongoing revenue liabilities created. <p>In exercising Investment decisions, the Section 151 Officer will :</p> <ul style="list-style-type: none"> • Determine that the investment is within the Council's strategy and pre-determined instruments and criteria; • consider the optimum period, in the light of core balances and reserves, cash flow availability and prevailing market conditions; • consider the alternative investment products and techniques available if appropriate.
Processes to be followed	The processes to be followed will be in keeping with TMP 4: The Council's Approved, Instruments, Methods and Techniques.
Evidence and records to be kept	<p>The Council will maintain a record of all major treasury management decisions, the processes undertaken and the rationale for reaching the decision made. These will allow for an historical assessment of decisions made and verification that any checks and safeguards are indeed in place and operating correctly.</p> <p>Records and working papers will be maintained by the Council electronically and in relevant files.</p>

TMP 4: APPROVED INSTRUMENTS, METHODS AND TECHNIQUES

Principle: *The Council will undertake its treasury management activities by employing only those instruments, methods and techniques detailed in the schedule to this document, and within the limits and parameters defined in **TMP1 Risk Management**.*

Schedule:

Approved treasury management activities	<p>The Council is permitted to undertake the following activities:</p> <ul style="list-style-type: none"> ▪ Managing cashflow ▪ Capital financing ▪ Borrowing including debt restructuring and debt repayment ▪ Lending including redemption of investments ▪ Banking ▪ Leasing ▪ Managing the underlying risk associated with the Council's capital financing and surplus funds activities. <p>The above list is not finite and the Council would, from time to time, consider and determine new financial instruments and treasury management techniques; however, the Council will consider carefully whether the officers have the skills and experience to identify and manage the advantages and risks associated with using the instruments/techniques before undertaking them, more so as some risks may not be wholly or immediately transparent.</p>
Approved capital financing methods and types/sources of funding	<p><u>On balance sheet</u></p> <ul style="list-style-type: none"> • Public Works Loans Board (PWLB) loans and loans from its successor body • long term money market loans including LOBOs (Lender Option Borrower Option) • temporary money market loans (up to 364 days). • bank overdraft • loans from bodies such as the European Investment Bank (EIB) • Stock issues • Finance Leases • Deferred Purchase • Government and EU Capital Grants • Lottery monies • Other Capital Grants and Contributions • PFI (Private Finance Initiative) • Operating and finance leases • Hire purchase • Sale and leaseback <p><u>Internal Resources</u></p> <ul style="list-style-type: none"> • Capital Receipts • Revenue Balances • Use of Reserves <p><u>Off balance sheet</u></p> <ul style="list-style-type: none"> • Operating Leases • Structured Finance

	The level of debt will be consistent with the Treasury Management Strategy and the Prudential Indicators.
Approved investment instruments	<p>The Council will determine through its Annual Capital & Investment Strategy (CIS) which instruments it will use, giving priority to the security and liquidity (in that order) of its invested monies. The investments will be categorised as 'Specified' or 'Non Specified' based on the criteria set out by DLUHC in its Investment Guidance March 2004 (as amended).</p> <p>The Council will determine through the CIS which instruments will be used in-house and which will be used by the appointed external fund manager(s) including the maximum exposure for each category of non-specified investments. Where applicable, the Council's credit criteria will also apply.</p> <p><u>Banks Unsecured:</u> Accounts, deposits, certificates of deposit and senior unsecured bonds with banks and building societies, other than multilateral development banks.</p> <p><u>Banks Secured:</u> Covered bonds, reverse repurchase agreements and other collateralised arrangements with banks and building societies.</p> <p>Government: Loans, bonds and bills issued or guaranteed by national governments, regional and local Authorities and multilateral development banks.</p> <p><u>Corporates:</u> Loans, bonds and commercial paper issued by companies other than banks and registered providers</p> <p><u>Registered Providers:</u> Loans and bonds issued by, guaranteed by or secured on the assets of Registered Providers of Social Housing, formerly known as Housing Associations</p> <p><u>Pooled Funds:</u> Shares in diversified investment vehicles consisting of the any of the above investment types, plus equity shares and property. Money Market Funds that offer same-day liquidity and aim for a constant net asset value.</p> <p><u>Bond, equity and Property Funds</u></p>

TMP 5: ORGANISATION, CLARITY AND SEGREGATION OF RESPONSIBILITIES, AND DEALING ARRANGEMENTS

Principle: *The Council considers it essential, for the purposes of the effective control and monitoring of its treasury management activities, for the reduction of the risk of fraud or error, and for the pursuit of optimum performance, that these activities are structured and managed in a fully integrated manner, and that there is at all times a clarity of treasury management responsibilities.*

The principle on which this will be based is a clear distinction between those charged with setting treasury management policies and those charged with implementing and controlling these policies, particularly with regard to the execution and transmission of funds, the recording and administering of treasury management decisions, and the audit and review of the treasury management function.

If and when the Council intends, as a result of lack of resources or other circumstances, to depart from these principles, the Section 151 Officer will ensure that the reasons are properly reported in accordance with TMP6 Reporting requirements and management information arrangements, and the implications properly considered and evaluated.

The Section 151 Officer will ensure that there are clear written statements of the responsibilities for each post engaged in treasury management, and the arrangements for absence cover. The Section 151 Officer will also ensure that at all times those engaged in treasury management will follow the policies and procedures set out. The present arrangements are detailed in the schedule below.

The Section 151 Officer will ensure there is proper documentation for all deals and transactions, and that procedures exist for the effective transmission of funds. The present arrangements are detailed in the schedule below.

The delegations to the Senior Accountant in respect of treasury management are set out in the schedule below. The Senior Accountant will fulfil all such responsibilities in accordance with the organisation's policy statement and TMPs and, if a CIPFA member, the Standard of Professional Practice on Treasury Management.

Schedule:

Limits to responsibilities at Executive levels	<p>Full Council</p> <ul style="list-style-type: none"> • budget consideration and approval <p>Strategy and Resources Committee:</p> <ul style="list-style-type: none"> • receiving and reviewing Prudential Indicators as part of the budget setting process • receiving and reviewing reports on treasury management policies, practices and activities • approval of amendments to adopted clauses, treasury management policy statement and treasury management practices • receiving and reviewing external audit reports and acting on recommendations • approving the selection of external service providers and agreeing terms of appointment
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Principles and practices concerning segregation of duties	<p>The segregation of duties will be determined by the Section 151 Officer.</p> <p>Segregation of duties exists in that:</p> <ul style="list-style-type: none"> • the officer(s) responsible for negotiating and closing treasury management deals is separate from officer(s) authorising payments • all borrowing/investments decisions must be authorised by the Section 151 Officer.
Statement of duties / responsibilities of each treasury post	<p>Examples:</p> <p>The Section 151 Officer :</p> <ul style="list-style-type: none"> • submitting budgets and budget variations • recommending clauses, treasury management policy, practices for approval, reviewing the same regularly and monitoring compliance • determining Prudential Indicators and Treasury Management Strategy including the Annual Capital & Investment Strategy • submitting regular treasury management policy reports • receiving and reviewing management information reports • reviewing the performance of the treasury management function and promoting best value reviews • ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function • recommending the appointment of external service providers • determining long-term capital financing and investment decisions. • The Section 151 Officer has delegated powers to determine and undertake the most appropriate form of borrowing from the approved sources, and to make the most appropriate form of investments in approved instruments. • The Section 151 Officer may delegate their power to borrow and invest to members of his staff <p>Head of Paid Service</p> <ul style="list-style-type: none"> • ensuring the adequacy of internal audit and liaising with external audit <p>Senior Finance Specialist</p> <ul style="list-style-type: none"> • execution of transactions • adherence to agreed policies and practices on a day to day basis • maintaining relationships with third parties and external service providers • monitoring performance on a day to day basis • submitting management information reports to the responsible officer • identifying and recommending opportunities for improved practices. • recording treasury management transactions, • reconciling treasury management transactions with the financial ledger • recording/reconciling counterparty documentation.

Absence cover arrangements	<p>In the absence of the Section 151 Officer, the Lead Specialist - Finance will assume their responsibilities in respect of the Treasury Management function.</p> <p>In the absence of the Specialist - Finance staff, the Lead Specialist - Finance will provide cover.</p> <p>Cover is reviewed as necessary.</p> <p>Full procedure notes are available, detailing the processes required to enable the day to day operation of the treasury management function.</p>
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Dealing

Authorised officers	<p>Responsible officers for borrowing/investment decisions :</p> <p>Borrowing activity: <i>Specialist – Finance, Lead Specialist - Finance</i></p> <p>Lending activity : <i>Specialist – Finance, Lead Specialist - Finance</i></p> <p>Authorising payments for borrowing/lending : <i>Directors</i></p> <p>Transaction recording : <i>Specialist – Finance, Lead Specialist - Finance Senior Specialist - Finance</i></p>
Dealing limits	<p>Internally Managed Investments:</p> <ul style="list-style-type: none"> the maximum for any one investment deal is as per the lending limits detailed in the Council's Annual Capital & Investment Strategy.
List of approved brokers	Brokers used by the Council are named in TMP 11 : External Service Providers
Policy on brokers' services	It is the Council's policy to utilise the services between at least two brokers. The Council will maintain a spread of business between them in order to avoid relying on the services of any one broker.
Policy on taping of conversations	Conversations with brokers may be taped by the brokers.
Direct dealing practices	<p>Direct dealing is carried out with institutions and with external pooled funds identified in the Operational Schedule subject to counterparty and maturity limits and dealing limits.</p> <p>Prior to undertaking direct dealing, the Council will ensure that each counterparty/fund has been provided with the Council's list of authorised dealers and the Council's Standard Settlement Procedures.</p>
Settlement transmission procedures	<ul style="list-style-type: none"> settlements are made by <u>CHAPS</u>. all <u>CHAPS</u> payments relating to settlement transactions require authorisation by a designated officer all <u>CHAPS</u> payments require <u>2</u> bank signatures the details are transmitted electronically to the Council's bankers.

Documentation requirements	<p>For each deal undertaken a record should be prepared giving details of dealer, amount, period, counterparty, interest rate, dealing date, payments date(s), broker.</p> <p>Investments</p> <ul style="list-style-type: none"> • deal ticket authorising the investment • confirmation from the broker • confirmation from the counterparty • Contract notes for purchase and sale of shares/units in pooled funds from the fund's manager/administrator • CHAPS payment transmission document <p>Loans:</p> <ul style="list-style-type: none"> • deal ticket with signature to agree loan • confirmation from the broker • confirmation from PWLB / market counterparty • CHAPS payment transmission document for repayment of loan.
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TMP 6: REPORTING REQUIREMENTS AND MANAGEMENT INFORMATION ARRANGEMENTS

Principle: *The Council will ensure that regular reports are prepared and considered on the implementation of its treasury management policies; on the effects of decisions taken and transactions executed in pursuit of those policies; on the implications of changes, particularly budgetary, resulting from regulatory, economic, market or other factors affecting its treasury management activities; and on the performance of the treasury management function.*

As a minimum, the Strategy and Resources Committee will receive:

- *An annual report on the strategy and plan to be pursued in the coming year*
- *An annual report on the performance of the treasury management function, on the effects of the decisions taken and the transactions executed in the past year, and on any circumstances of non-compliance with the organisation's treasury management policy statement and TMPs.*
- *A mid year review of Treasury activity*

The present arrangements and the form of these reports are outlined below.

Schedule:

Frequency of executive reporting requirements	<p>The Section 151 Officer will annually submit budgets and will report on budget variations as appropriate.</p> <p>The Section 151 Officer will submit the Prudential Indicators and the Treasury Strategy Statement, Annual Capital & Investment Strategy and report on the projected borrowing and investment activity for the forthcoming financial year to the Strategy and Resources Committee before the start of the year.</p> <p>The Annual Treasury Report will be prepared as soon as practicable after the financial year end and, in all cases, before the end of September.</p> <p>A Mid-Year Treasury Report will be prepared by the Section 151 Officer, which will report on treasury management activities for the first part of the financial year. The Mid-Year Report will be submitted to Strategy and Resources Committee during the year.</p>
Content of Reporting:	
1. Treasury Strategy Statement	<p>The Treasury Strategy will include the following:</p> <ul style="list-style-type: none"> • Link to Capital Financing Prudential Indicators for the current and ensuing <u>three</u> years • Strategy for financing new borrowing requirements (if any) and refinancing maturing borrowing (if any) over the next three years and for restructuring of debt • the extent to which surplus funds are earmarked for short term requirements • the capital & investment strategy for the forthcoming year(s) (<i>see below</i>*) • the minimum to be held in short term/specified investment during the coming year • the interest rate outlook against which the treasury activities are likely to be undertaken. <p>*Based on the DLUHC's Guidance on Investments, the Council will</p>

	<p>produce an Annual Capital & Investment Strategy (CIS) which sets out</p> <ul style="list-style-type: none"> ▪ the objectives, policies and strategy for managing its investments;
2. Annual Treasury Report	<p>The Section 151 Officer will produce an annual report for the Strategy and Resources Committee on all activities of the treasury management function (including the performance of fund managers) as soon as practicable after year end and in all cases no later than 30 September of the succeeding financial year.</p> <p>The main contents of the report will comprise :</p> <ul style="list-style-type: none"> ▪ confirmation that the Council calculated its budget requirements and set a balanced budget for the financial year; ▪ the prevailing economic environment ▪ a commentary on treasury operations for the year, including their revenue effects; ▪ commentary on the risk implications of treasury activities undertaken and the future impact on treasury activities of the Council ▪ compliance with agreed policies/practices and statutory/regulatory requirements ▪ performance measures.
3. Content and frequency of management information reports	<p>The Section 151 Officer will produce a half yearly monitoring report for Strategy and Resources Committee</p> <p><i>Example</i> : This report includes details of :</p> <ul style="list-style-type: none"> • borrowing and investment activity undertaken including forward deals • performance of investments against benchmark • extent of compliance with the treasury strategy and reasons for variance (if any)
4. Scrutiny	<p>The Section 151 Officer will present the Treasury Strategy Statement to the Strategy and Resources Committee before it is sent to Full Council for approval.</p>

TMP 7: BUDGETING, ACCOUNTING AND AUDIT ARRANGEMENTS

Principle: *The Section 151 Officer will prepare, and the Council will approve and, if necessary, from time to time will amend, an annual budget for treasury management, which will bring together all of the costs involved in running the treasury management function, together with associated income. The matters to be included in the budget will at minimum be those required by statute or regulation, together with such information as will demonstrate compliance with **TMP1 Risk management, TMP2 Performance measurement, and TMP4 Approved instruments, methods and techniques.** The form which the Council's budget will take is set out in the schedule below.*

*The Section 151 Officer will exercise effective controls over this budget and will report upon and recommend any changes required in accordance with **TMP6 Reporting requirements and management information arrangements.***

The Council will account for its treasury management activities, for decisions made and transactions executed, in accordance with appropriate accounting practices and standards, and with statutory and regulatory requirements in force for the time being. The present form of the Council's accounts is set out in the schedule.

Schedule:

Statutory / regulatory requirements	<p>Balanced Budget Requirement: The provisions of S32 and S43 of the Local Government Finance Act 1992 require this Council to calculate its budget requirement for each financial year including, among other aspects;</p> <p>(a) the expenditure which is estimated to be incurred in the year in performing its functions and which will be charged to a revenue account and</p> <p>(b) revenue costs which flow from capital financing decisions.</p> <p>S33 of the Act requires the Council to set a council tax sufficient to meet expenditure after taking into account other sources of income.</p>
Proper accounting practice	CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom (the local Authority code) constitutes "proper accounting practice under the terms of S21 (2) of the Local Government Act 2003".
Financial Statements	<p>The Financial Statements comprise:</p> <ul style="list-style-type: none"> • A Narrative Statement • Accounting policies, changes in accounting estimates and errors • Presentation of financial statements • Movement in reserves statement • Comprehensive income and expenditure statement • Balance sheet • Cash flow statement • Collection Fund (England) • Statement of Responsibilities • The Accounting Statements • Notes to the financial statements • Statements reporting reviews of internal controls or internal financial controls • Events after the reporting period • Related party disclosures

Format of the Council's accounts	The current form of the Council's accounts is available within the Resources Service of the Council.
Disclosures relating to treasury management	Due regard will be given to the disclosure requirements under CIPFA's Accounting Code of Practice.
Treasury-related information requirements of external auditors	<p>The following information is specifically requested by the external auditor and should be considered an initial request for information. It is usually followed by more detailed audit testing work which often requires further information and/or explanations from the Council's officers.</p> <p>Information in this context includes internally generated documents, externally generated documents, observation of treasury management practices which support and explain the operation and activities of the treasury management function.</p> <ul style="list-style-type: none"> • Determination of Affordable Borrowing Limit under Section 3 of the Local Government Act 2003. • Prudential Indicators. • Treasury Management Strategy • Capital & Investment Strategy. <p><u>External borrowing:</u></p> <ul style="list-style-type: none"> • New loans borrowed during the year : PWLB certificates / documentation in relation to market loans borrowed (including copy of agreements, schedule of commitments) • Loan maturities. • Compliance with proper accounting practice, regulations and determinations for the amortisation of premiums and discounts arising on loans restructured during the year and previous years. • Analysis of loans outstanding at year end including maturity analysis. • Analysis of borrowing between long- and short-term • Debt management and financing costs <ul style="list-style-type: none"> • calculation of (i) interest paid (ii) accrued interest • interest paid • MRP calculation and analysis of movement in the CFR. • Bank overdraft position. • Brokerage/commissions/transaction related costs.
	<p><u>Investments:</u></p> <ul style="list-style-type: none"> • Investment transactions during the year including any transaction-related costs • cash and bank balances at year end • Short-term investments at year end • Long-term investments at year end (including investments in associates and joint ventures) by asset type, including unrealised gains or losses at year end • calculation of (i) interest received (ii) accrued interest • actual interest received • External fund manager valuations including investment income schedule and movement in capital values, transaction confirmations received (if any) • Basis of valuation of investments

	<ul style="list-style-type: none"> • Evidence of existence and title to investments (e.g. Custodian's Reports • Schedule of any investments in companies together with their latest financial statements); statement of transactions between the company and the Council.
	<p><u>Cash Flow</u></p> <ul style="list-style-type: none"> ▪ Reconciliation of the movement in cash to the movement in net debt ▪ Cash inflows and outflows (in respect of long-term financing) ▪ Cash inflows and outflows (in respect of purchase/sale of long-term investments) ▪ Net increase/decrease in (i) short-term loans (ii) short-term deposits (iii) other liquid resources <p><u>Other</u></p> <p>Details of (treasury-related) material events after balance sheet date not reflected in the financial statements.</p> <ul style="list-style-type: none"> ▪ External advisors'/consultants' charges
Internal Audit	<p>Internal Audit generally conducts an annual review of the treasury management function and probity testing.</p> <p>The internal auditors will be given access to treasury management information/documentation as required by them.</p>
Compliance with CIPFA Treasury Management and Prudential Codes	<p>Auditors may require evidence/demonstration of compliance with external and internal treasury management policies and strategy.</p> <p>Any serious breach of the TM Code's recommendations or Prudential Indicators should be brought to the attention of the external auditor.</p>
Costs for treasury management	<p>The budget for treasury management forms part of the Financial Services budget.</p>

TMP 8: CASH AND CASH FLOW MANAGEMENT

Principle: Unless statutory or regulatory requirements demand otherwise, all monies in the hands of the Council will be under the control of the Section 151 Officer and will be aggregated for cash flow and investment management purposes. Cash flow projections will be prepared on a regular and timely basis, and the Section 151 Officer will ensure that these are adequate for the purposes of monitoring compliance with **TMP1 [2] liquidity risk management**. The present arrangements for preparing cash flow projections and their form are set out in the schedule below.

Schedule:

Arrangements for preparing /submitting cash flow statements	<p>A Cash flow forecast will be used to formulate the Council's borrowing and investment strategy by identifying periods of surplus or shortfall of cash balances during the year. The cash flow forecasts and statements are held at operational level.</p> <p>The accuracy and effectiveness of the Council's cash flows are dependent on the accuracy of estimating expenditure, income and their corresponding time periods.</p> <p>Daily cash flows show forecast and planned movements of cash on a daily basis, including the matching of known inflows and payments. This is recorded in the Investments spreadsheet (IOSF 2025-2026)</p>
Content and frequency of cash flow projections	<p>The detailed annual cash flow model includes the following:</p> <ul style="list-style-type: none"> • revenue income and expenditure based on the budget. • profiled capital income and expenditure as per the capital programme. <p>Revenue activities:</p> <p><u>Inflows:</u></p> <ul style="list-style-type: none"> ▪ Precepts received ▪ Non domestic rates receipts ▪ Council tax receipts ▪ Housing subsidy ▪ DSS / other government grants ▪ Cash for goods and services ▪ Other operating cash receipts <p><u>Outflows:</u></p> <ul style="list-style-type: none"> ▪ Salaries and payments on behalf of employees ▪ Operating cash payments ▪ Housing Benefit paid ▪ Precepts paid ▪ NDR payments <p>Capital activities including financing</p> <p><u>Inflows:</u></p> <ul style="list-style-type: none"> ▪ Capital grants received ▪ Sale of fixed assets ▪ Other capital cash receipts <p><u>Outflows:</u></p>

	<ul style="list-style-type: none"> ▪ Purchase of fixed assets ▪ Purchase of long-term investments ▪ Other capital cash payments
Monitoring, frequency of cash flow updates	<p>The annual cash flow statement is updated periodically with the actual cash inflows and outflows after taking account of any revisions including those relating to grant income and capital expenditure and will be reconciled with:</p> <ul style="list-style-type: none"> • net RSG (Revenue Support Grant) and NNDR (National Non-Domestic Rates) payments as notified; • county council and police Authority precepts as notified; • actual salaries and other employee costs paid from account bank statements; • actual payments to Inland Revenue from general account bank statements; • actual council tax received from general account bank statement; • actual rent allowances paid from payments account bank statement; • actual housing benefit and housing subsidy grant received from DLUHC; • actual capital programme expenditure and receipts.
Bank statements procedures	<p>The Council accesses its bank statements online and these are downloaded on a daily basis. The statements are processed and posted independently to the treasury function and are reconciled to the general ledger on a monthly basis.</p>
Payment scheduling	<p>The Council has a policy of paying suppliers in line with agreed terms of trade and the following service standards:</p> <ul style="list-style-type: none"> • <i>Undisputed invoices are to be paid within 30 days.</i>
Monitoring debtor/ creditor levels	<p>Debtor levels are monitored by a monthly Sundry Debtors Monitoring Report to the Finance Manager which will include an analysis of debt by age and details and details of recovery status.</p>
Banking of funds	<p>Instructions for the banking of income are set out in the Financial Regulations. Cheques received in the customer services section are banked daily. Generally the council does not take cash payments.</p> <p>All the Council's sections are advised of the requirement to bank on a regular basis in order to comply with recommended best practice and also remain within the particular insurance limits for the Council's premises.</p>

TMP 9: MONEY LAUNDERING

Background: The Proceeds of Crime Act (POCA) 2002 consolidated, updated and reformed criminal law in the UK in relation to money laundering. The principal offences relating to money laundering are:

- Concealing, disguising, converting, transferring or removing criminal property from England and Wales, from Scotland or from Northern Ireland
- Being concerned in an arrangement which a person knows or suspects facilitates the acquisition, retention use or control of criminal property
- Acquiring, using or possessing criminal property.

Other offences include failure to disclose money laundering offences, tipping off a suspect either directly or indirectly, and doing something that might prejudice an investigation.

Organisations pursuing relevant businesses were required to appoint a nominated officer and implement internal reporting procedures; train relevant staff in the subject; establish internal procedures with respect to money laundering; obtain, verify and maintain evidence and records of the identity of new clients and transactions undertaken and report their suspicions.

In December 2007, the UK Government published the Money Laundering Regulations 2007, which replaced the 2003 Regulations.

CIPFA believes that public sector organisations should “embrace the underlying principles behind the money laundering legislation and regulations and put in place anti money laundering policies, procedures and reporting arrangements appropriate and proportionate to their activities”.

Principle: *The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. Accordingly, it will maintain procedures for verifying and recording the identity of counterparties and reporting suspicions, and will ensure that staff involved in this are properly trained. The present arrangements, including the name of the officer to whom reports should be made, are detailed in the schedule below.*

Schedule:

Anti money laundering policy	<p>This Council’s policy is to prevent, wherever possible, the organisation and its staff being exposed to money laundering, to identify the potential areas where it may occur and to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.</p> <p>The Council has accepted responsibility to ensure that those of its staff who are most likely to be exposed to money laundering can make themselves fully aware of the law and, where necessary, are suitably trained.</p>
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<p>Nomination of Responsible Officer(s)</p>	<p>(a) The Council nominates the Legal and Democratic Services Manager to be the responsible body to whom any suspicions relating to transactions involving the Council will be communicated.</p> <p>(b) The responsible officer will be conversant with the requirements of the Proceeds of Crime Act 2002 and will ensure relevant staff are appropriately trained and informed so they are alert for suspicious transactions.</p> <p>(c) The responsible officer will make arrangements to receive and manage the concerns of staff about money laundering and their suspicion of it, to make internal enquiries and to make reports, where necessary, to National Criminal Intelligence Services (NCIS).</p>
<p>Procedures for establishing the Identity of Lenders and Borrowers</p>	<p>(a) In the course of its treasury activities, the Council will only borrow from permitted sources identified in TMP 4.</p> <p>(b) The Council will not accept loans from individuals.</p> <p>(c) In the course of its treasury activities, the Council will only invest with those counterparties which are on its approved lending list.</p> <p>(d) The identity and authenticity of commercial institutions (banks, building societies and other financial institutions) authorised to carry out borrowing and lending activity in the UK will be checked via the Bank of England / Prudential Regulation Authority's website.</p> <p>(e) All receipts / disbursements of funds will be undertaken by <u>BACS (Bankers' Automated Clearing System) or CHAPS settlement.</u></p> <p>(f) Direct Dealing mandates: The Council will provide (in the case of lending) / obtain (in the case of borrowing) and maintain on file dealing mandates with any new money market counterparty. The mandates should be on letter-headed paper, dated and signed.</p> <p>(g) All banking transactions will only be undertaken by the personnel authorised to operate the Council's banks accounts.</p> <p>(h) When receiving requests for change of payment details, due care will be exercised to ascertain the bona fide of the request and avoid potential fraud. Additional checks will be made through <u>pre-existing</u> contact details for the payee before altering payment details.</p>

TMP 10: TRAINING AND QUALIFICATIONS

Principle: *The Council recognises the importance of ensuring that all staff involved in the treasury management function are fully equipped to undertake the duties and responsibilities allocated to them. It will therefore seek to appoint individuals who are both capable and experienced and will provide training for staff to enable them to acquire and maintain an appropriate level of expertise, knowledge and skills. The Section 151 Officer will recommend and implement the necessary arrangements.*

The Section 151 Officer will ensure that council members tasked with treasury management responsibilities, including those responsible for scrutiny, have access to training relevant to their needs and responsibilities.

Those charged with governance recognise their individual responsibility to ensure that they have the necessary skills to complete their role effectively.

The present arrangements are detailed in the schedule below.

Schedule:

Qualifications/ experience for treasury staff	Treasury Staff should have the AAT (Association of Accounting Technicians) qualification as a minimum and preferably prior experience in Treasury management.
Details of approved training courses	The Council provides its treasury personnel with appropriate training e.g. <ul style="list-style-type: none"> • Training courses run by CIPFA and LINK • Internal training and support
Member Training	<p>CIPFA's Treasury Management In The Public Services: Code of Practice and Cross-sectoral Guidance Notes (2021 edition) requires public service organisations to nominate a responsible body for the scrutiny of treasury management strategy and policies. For MDC this role is fulfilled by the Strategy and Resources Committee.</p> <p>To undertake this role effectively, Strategy and Resource Committee will require support, training and guidance to fulfil their important part of ensuring effective governance of treasury management.</p> <ul style="list-style-type: none"> • It helps develop a better understanding of the treasury risks faced by the organisation. • It helps ensure better decision making on strategy and policy matters. • It improves accountability and transparency. • It improves knowledge and understanding of treasury matters among the members of the governing body. <p>The Council will organise regular Treasury Management for committee members.</p>

TMP 11: USE OF EXTERNAL SERVICE PROVIDERS

Principle: The Council recognises that responsibility for the treasury management decisions remains with the organisation at all times. It recognises the potential value of employing external providers of treasury management services, in order to acquire access to specialist skills and resources. When it employs such service providers, it will ensure it does so for reasons which will have been submitted to a full evaluation of the costs and benefits. It will also ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review. And it will ensure, where feasible and necessary, that a spread of service providers is used, to avoid over reliance on one or a small number of companies. Where services are subject to formal tender or re-tender arrangements, legislative requirements will always be observed. The monitoring of such arrangement's rests with the Section 151 Officer, and details of the current arrangements are set out in the schedule below.

Schedule:

Contract threshold	The Council's Financial Regulations require that a formal written contract is in place with external service providers where the contract value exceeds £50,000 over the term. The contract will clearly state the services to be provided and the terms on which they will be provided.
Details of service providers and procedures and frequency for tendering services	<p>(a) Bankers to the Council: Nat West, PO Box 333, Silbury House. 300 Silbury Boulevard , Central Milton Keynes, MK9 2ZF Tel. 0845 308 8969 Contract period : 1 April 2019 – March 2020 Formal agreement in place : yes This service will be re-tendered every 5 years.</p> <p>(b) Treasury advisor Link Group 6th Floor, 65 Gresham Street, London EC2V 7NQ Tel. 07833 542655 Contract period: 03 April 2023 - 02 April 2028 Formal agreement in place: yes This service may be re-tendered every 3 years.</p> <p>(c) Brokers: It is considered good practice for the Council to have a minimum of two brokers and to spread business between them.</p> <p style="text-align: right;">Sterling Treasury BGC Partners Sterling Products 5 Churchill Place, Canary Wharf, London, E14 5HU Tel. 0207 894 7742 Formal agreement in place: No</p>

	<p>King & Shaxson Cutlers Court, 115 Houndsditch, London. EC3A 7BR Tel. 0207 929 8527 Formal agreement in place: No</p> <p>Tradition Beaufort House, 15 St. Botolph Street, London, EC3A 7QX Tel. 0207 198 1500 Formal agreement in place: No</p> <p>(d) Trading Platforms: iDealTrade Arlingclose 35 Chiswell Street, London EC1Y 4SE Formal agreement in place: No</p> <p>ICD Portal 30 Crown Place, London, EC2A 4EB Formal agreement in place: No</p>
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TMP 12: CORPORATE GOVERNANCE

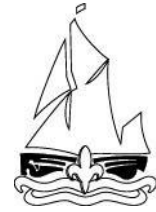
Principle: The Council is committed to the pursuit of proper corporate governance throughout its businesses and services, and to establishing the principles and practices by which this can be achieved. Accordingly, the treasury management function and its activities will be undertaken with openness and transparency, honesty, integrity and accountability.

The Council has adopted and has implemented the key recommendations of the Code. This, together with the other arrangements detailed in the schedule below, are considered vital to the achievement of proper corporate governance in treasury management, and the Section 151 Officer will monitor and, if and when necessary, report upon the effectiveness of these arrangements.

Schedule:

Stewardship responsibilities	The Section 151 Officer ensures that systems exist to deliver proper financial administration and control and maintaining a framework for overseeing and reviewing the treasury management function.
List of documents to be made available for public inspection.	The following documents are freely available for public inspection: <i>Examples</i> <ul style="list-style-type: none"> ▪ Annual Statement of Accounts ▪ Revenue and Capital Estimates Book ▪ Treasury Management Policy ▪ Treasury Management Strategy ▪ Budget Monitoring Reports ▪ Annual Treasury Report
Council's website.	Financial information is additionally available on the Council's website.
Procedures for consultation with stakeholders.	Members and senior officers of the Council are consulted via reports to the Strategy and Resources Committee and officer / Member briefing sessions.

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**REPORT of
INTERIM CHIEF FINANCE OFFICER**

**to
COUNCIL
13 FEBRUARY 2025**

2024 / 25 REVISED AND 2025 / 26 ORIGINAL BUDGET ESTIMATES

1. PURPOSE OF THE REPORT

- 1.1 To note the Provisional Local Government Finance Settlement 2025 / 26 which was announced by the Government on 18 December 2024.
- 1.2 To present the revised 2024 / 25 and original 2025 / 26 General Fund Revenue Budget estimates for approval.
- 1.3 To present the options for proposed level of Council Tax increase for 2025 / 26 for approval.
- 1.4 To present the policy on use of reserves for approval.

2. RECOMMENDATIONS

- (i) That the following be approved:
 - a) the Revised 2024 / 25 and Original 2025 / 26 General Fund Revenue Budget Estimates (**APPENDICES 1, 2 and 3**),
 - b) an average Band D council tax of £232.01 (excluding parish precepts) (£6.74 increase) for 2025 / 26 (**APPENDIX 1**),
 - c) policies on the designated use of financial reserves (**APPENDIX 4**),
- (ii) that the Council maintains the current policy of a minimum general fund balance of £2,600,000.
- (iii) that the Council gives due regard to the Interim Chief Finance Officer (Section 151 Officer) statement on the robustness of budgets and adequacy of reserves in **APPENDIX 5**.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council no longer receives Revenue Support Grant (RSG) funding from the Government meaning that the majority of the funding for the Council's services is from income raised directly by the authority. The main sources of funding are Council Tax, Fees and Charges and Business Rates.

3.2 The requirement to set a balanced budget has required robust processes to identify efficiencies, protect front-line services as far as possible, retain the ability to generate income and to recognise the increasing demand for services.

3.3 It should be noted that, at the time of writing this report, the National Non-Domestic Rates Return (NNDR1) for 2025 / 26 figures were not finalised and, therefore, the funding from Business Rates is likely to change, which will affect the contributions to / (from) balances as shown in **APPENDIX 1**.

3.4 **Provisional Local Government Finance Settlement 2025 / 26**

3.4.1 The provisional 2025 / 26 local government finance settlement was announced on 18 December 2024. The Settlement Funding Assessment is the amount of funding consisting of the Council's 50% share of the overall Business Rates Baseline Funding Level, uprated by the increase in the small business rates multiplier that is identified by the Government under the current Business Rates Retention Scheme and adjusted for the tariff that the authority pays.

	2023/24 £m	2024/25 £m
Settlement Funding Assessment – Maldon	1.731	1.759
of which:		
Revenue Support Grant	0	0
Business Rates Baseline Funding under 50% Business Rates Retention (BRR)	1.731	1.759
Annual % Change		1.6%

3.4.2 The Government calculates an amount called the 'Core Spending Power' each year which is an estimate of the amount of funding available to each authority to spend on their core services. It is made up of estimated Council Tax and Business Rates income, Revenue Support Grant, New Homes Bonus and a number of government grants.

CORE SPENDING POWER			
<i>Please select authority</i>			
Maldon			
Illustrative Core Spending Power of Local Government:			
	2023-24	2024-25	2025-26
	£ millions	£ millions	£ millions
Settlement Funding Assessment	1.670	1.731	1.760
Compensation for under-indexing the business rates	0.271	0.337	0.355
Council tax requirement excluding parish precepts ¹	5.664	5.947	6.204
Local Authority Better Care Grant ²	0.000	0.000	0.000
New Homes Bonus	0.474	0.495	0.587
New Homes Bonus returned funding	0.000	0.000	0.000
Rural Services Delivery Grant	0.036	0.042	0.000
Transition Grant	0.000	0.000	0.000
Adult Social Care Support Grant	0.000	0.000	0.000
Winter Pressures Grants ³	0.000	0.000	0.000
Social Care Support Grant ⁴	0.000	0.000	0.000
Social Care Grant	0.000	0.000	0.000
Market Sustainability and Fair Cost of Care Fund	0.000	0.000	0.000
Market Sustainability and Improvement Funds ⁵	0.000	0.000	0.000
Lower Tier Services Grant	0.000	0.000	0.000
ASC Discharge Fund ²	0.000	0.000	0.000
Funding Guarantee	0.601	0.774	0.000
Services Grant	0.062	0.011	0.000
Domestic Abuse Safe Accommodation Grants ⁶	0.036	0.037	0.037
Recovery Grant ⁷	0.000	0.000	0.000
Children's Social Care Prevention Grant ⁸	0.000	0.000	0.000
Funding Floor	0.000	0.000	0.443
Grants rolled in ⁹	0.013	0.013	0.000
Core Spending Power	8.828	9.386	9.387
Change since 2023-24 (£ millions)			0.6
Change since 2023-24 (% change)			6.3%

Source: Provisional Local Government Finance Settlement 2025 to 2026 published by DLUHC 18/12/2024

- 3.4.3 It can be seen from the above table that, in the Government's view, the total Core Spending Power for 2025 / 26 includes the potential additional Council Tax from the maximum 2.99% or £5 referendum principle for all Districts. The Council increased its Council Tax by £5 in 2017 / 18, the first year that the Government introduced the £5 into the referendum principle and continued to do so until 2022 / 23 in acceptance and recognition of the financial pressures that district councils have been experiencing. For 2024 / 25 and 2025 / 26 the Government has increased the maximum percentage increase to 2.99%, which the Council utilised in 2024 / 25.
- 3.4.4 For 2025 / 26, government funding consists of Revenue Support Grant (nil for the Council), Business Rates Baseline funding, New Homes Bonus, and a Funding Floor.
- 3.4.5 The New Homes Bonus (NHB) Scheme was introduced in 2011 / 12 to encourage local authorities to facilitate housing growth. For every additional property built or empty property brought back into use, the government match funds the additional council tax, with an additional amount for affordable homes. The one-off allocation for 2025 / 26 will be £587,073 up from £494,908 in 2024 / 25.

- 3.4.6 There have been changes to the scheme over the years such as:
- the payments have reduced from six years to four years,
 - the introduction of an annual baseline housing growth of 0.4% below which no NHB would be payable,
 - from 2020 / 21 the government no longer pays NHB legacy payments relating to 2020 / 21.

3.4.7 For 2025 / 26 the government has removed the Rural Services Delivery Grant, the Funding Guarantee and Service grants.

3.4.8 The Council's provisional allocation of Homelessness Prevention Grant for 2025 / 26 has been set at £296,716. Further allocations may be announced for the Flexible Housing Support Grant, and the Homelessness Reduction Grant in the future.

3.5 Revised General Fund Revenue Budget Estimates 2024 / 25

3.5.1 There have been some necessary changes to the 2024 / 25 budget since its approval in February 2024. £0.816m of revenue commitments unspent in 2023 / 24 were carried forward from 2023 / 24 as agreed by the Council in July 2024. £0.254m has been withdrawn from Earmarked Reserves to support one-off expenditure following approval from members during the year, and a further £0.168m of the Local Development Plan (LDP) Reserve is forecast to be utilised on staff this financial year.

3.5.2 The Quarter 2 Budgetary Control report considered by the Strategy & Resources Committee on 21 November showed an estimated net services budget underspend of £0.232m for 2024/25, along with improved interest earnings of £0.088m. Added to the General Fund balance, along with a proposed drawdown on capital funding during 2024/25 results in a closing balance of £7.540m.

Impact on General Fund Reserve Balance:

	£000
Opening General Fund Balance	-7,879
2024 / 25 Medium-Term Financial Strategy (MTFS) Funding Surplus	-0.054
Net Cost of Services and Investments variance	-0.320
Proposed loan to leisure provider for capital investment	0.713
Estimated Closing General Fund Balance	-7,540

3.5.3 The Council continues to receive additional income from growth above the baseline in local business rates and pooling arrangements within the Essex Region Business Rates Pool. The final benefits from being in the pool will not be known until the year end.

3.6 Original General Fund Revenue Budget Estimates 2025 / 26

3.6.1 The proposed 2025 / 26 net operating expenditure budget after adjusting for statutory adjustments, but before any non-service specific funding and use of reserves totals £13.080m and is therefore £0.645m (5%) higher than 2024 / 25 (£12.435m).

3.6.2 There are additional growth pressures in salaries and inflation of £0.747m, due to:

- an estimated 2.5% increase on gross salaries, plus net incremental salary grade pressures
- Government policy changes to Employer National Insurance contributions

- an increase in the national minimum wage (age 21 and over) from £11.44 per hour to £12.21 (7%), also pushing up contract costs
 - a 2.2% increase for Consumer Price Index (CPI) adjusted expenditure, measured in August 2024. This mainly applies to operational contracts related to waste services, street cleansing and parks, and corporate contracts such as transaction charges and IT licences, which are collectively increasing by £229k.
- 3.6.3 It is estimated that in 2025 / 26 there will be a net contribution from General Fund reserve balances of £0.120m.
- 3.6.4 The Council Tax increase is considered in Section 3.13. Proposals for the usage of earmarked reserves are discussed in more detail in Section 3.14.
- 3.6.5 2025 / 26 Budgets have initially been built up as follows:
- Salaries based on revised Council structure.
 - Inflation assumptions– 2.5% average pay award in 2025 / 26, contractual inflation on goods and services based on projected CPI or RPI dependent of terms within contracts.
 - Expected income from fees and charges and grant income.
 - Implications of statutory and contractual changes, non-inflation cost pressures.
 - Growth and Savings, as discussed later in this report.
- 3.7 Budget Growth, Savings and Income Generation in 2025 / 26**
- 3.7.1 Savings of £0.503m have been proposed and recommended by the Finance Working group and have been adjusted in the 2025 / 26 budget.
- 3.7.2 New recurring Growth bids of £442k have been proposed alongside unavoidable budget pressures of £835k and temporary one-off growth bids £206k totalling £1.484k, although £206k of these are to be funded from earmarked reserves.
- 3.7.3 Fees and Charges were taken to the November 2024 Strategy and Resources Committee and an increase in charges of 2.2% for 2025 / 26 was agreed. However, Income generation from fees and charges is forecast to decrease in 2025 / 26 due to the reduction in income from planning fees (£200k) and splash park income now forming part of the Leisure contract (£110k).
- 3.7.4 There are additional income streams that have been proposed and have been recommended by the Finance Working Group, these being a £4k income from listed building property advice, £3k increase in income from parks contracts, £12k increase in contribution to verge maintenance £2k additional income from cemeteries, £45k to be generated by an increase in car parking fees of 5%. The additional proposals total £63,500.
- 3.8 New Homes Bonus (NHB)**
- 3.8.1 NHB is not ring-fenced and can be used by the Council for whatever purpose it wishes. The provisional 2025 / 26 allocation is £587,073 up from £494,808 in 2024 / 25 and is assumed to support the Council's general expenditure budget.

3.9 Pension Fund Deficit Recovery

3.9.1 The Pension Fund Triennial Valuation 2022 results showed that the deficit on the Council's element of the overall Fund in respect of assets and liabilities had reduced from £5.32m to £0.94m with the funding level improving from 90.2% to 98.4%. The deficit recovery period has reduced from 12 years to 9 years.

3.9.2 The Council is choosing to pay the triennial deficits up front, so a payment of £0.351m was paid in the 2023 / 24 financial year, using the General Fund Reserve. In readiness for the next triennial payment in April 2026, £0.120m is moved from the General Fund reserve each year to the Pension earmarked reserve.

3.10 Essex Region Business Rates Pool

3.10.1 As agreed by the Council in October 2015, the Council joined the Essex Region Business Rates Pool (the Pool) in April 2016. The Pool is expected to continue to operate in 2025 / 26 and the Council is expected to continue to benefit by being in the Pool.

3.11 Interest on Investments

3.11.1 Interest from investment income is an integral part of the budget considerations. Bank of England base rate decreased in March 2020 to 0.1% and it remained at that rate until December 2021 when the Bank of England began to regularly increase the base rate, which stood at 3.50% in December 2022. The 2025 / 26 budget estimate for investment interest income is £0.664m at an average investment balance of £16m during the year at a rate of 4.15%, allowing for the base rate to be reduced during 2025 / 26 from a 15-year base rate high of 5.25%.

3.12 Council Tax

3.12.1 The Council Tax referendum threshold set by the Secretary of State for 2025 / 26 was announced as part of the Provisional Settlement; and for Maldon, the threshold has been set at 2.99% increase over 2025 / 26 or £5, whichever is the greater. Any Council proposing increases more than the threshold faces the substantial cost of conducting a local referendum and, if it results in a 'No' vote, the rebilling cost also.

3.12.2 The Government, in calculating the core spending power for each council, assumes they will have taken the benefit of the 2.99% increase (see table in paragraph 3.4.2) it is important that the Council considers the option of the 2.99% increase for 2025 / 26.

Options for Increase in Council Tax from 2024 / 25 to 2025 / 26	Increase on 2024 / 25 Band D Council Tax of £225.27		Additional Income Band D
Tax Base = 26,854.4	0.00%	2.99%	
Band D Council Tax 2025 / 26	£225.27	£232.01	£6.74
Maldon District Council: Council Tax	£6,049,491	£6,230,487	£180,996

3.12.3 Increasing the Council Tax by £6.74 to £232.01 instead of a Council Tax freeze would raise an additional income of £180,996 in 2025 / 26, thus reducing the requirement from General Fund Balances by that amount to support the General Fund net expenditure.

- 3.12.4 A £6.74 increase represents a 2.99% increase on 2024 / 25 Council Tax as every 1% increase in Council Tax will bring in an additional £60,534.
- 3.12.5 The Council's net expenditure budget (excluding parish precepts but after service specific funding and contribution from reserves) for 2025 / 26 is £6,230,487. This is matched by the estimated total resources with the Band D council tax at £232.01 i.e. £6.74 increase on 2024 / 25 (**APPENDIX 1**).
- 3.12.6 The tax base to be used for setting the 2025 / 26 Council Tax. It has been calculated at 26,854.4 "Band D equivalent" properties, after allowing for a non-collection rate of 2.2%. This tax base is being applied for the purposes of setting the 2025 / 26 Council Tax.
- 3.12.7 In terms of the estimated (surplus) / deficit on the Collection Fund as at 31 March 2025, Maldon District Council's share of the net surplus, which has increased our Council Tax, was £100k comprised of a surplus distribution on Council Tax of £45k and a surplus distribution on Business Rates of £55k. The Council is awaiting the 2025 / 26 Business Rates pooling results which will be finalised at the end of the financial year.
- 3.12.8 In accordance with the legislation under the Local Government Finance Act 1992, all parish precepts must be charged to the Council's General Fund. At the time of writing this report not all parish precepts had been received. It is envisaged that all the parish precepts will be reported at the Council meeting on 13 February 2025 for Council Tax setting purposes.
- 3.13 Council Tax £6.74 increase on 2024 / 25 Band D Basic amount of £225.27**
- 3.13.1 The Budget estimates have been constructed on the basis that the Council is proposing to increase council tax by £6.74 which is within the referendum threshold for 2025 / 26. This represents a prudent approach having regard to the balance of the risks and opportunities facing the Council in future years. The budget for 2025 / 26 is expected to be balanced, after the consideration of additional savings proposals.
- 3.13.2 However, there are some uncertainties still facing local government finance. Inflation has remained significant over the past year (2.5% as of January 2025), which is still above the Bank of England target. The move from the 50% Business Rates Retention to 75% Business Rates Retention system is on hold and it is not known when or whether it will be implemented. Any change to the Business Rates retention system will, most likely result in a reset of the Business Rates Baseline, which it is expected will remove the growth that has been achieved since the system was introduced. This could take away resources from this Council. However, it is not possible to predict what the exact impact would be without knowing the details of the new system. Possible impacts are covered in more detail in paragraph 3.16.3.
- 3.13.3 Council Tax increases become part of the overall financial base of the Council. The proposed £6.74 increase in Council Tax will generate an additional £180k of income in 2025 / 26. If this increase is not approved for 2025 / 26 then the gap in 2025 / 26 and future years widens.
- 3.14 General Fund Balance and Revenue Reserves**
- 3.14.1 Detailed policy information for each earmarked revenue reserve and anticipated balances is set out in **APPENDIX 4**.

- 3.14.2 Based on the latest risk assessment it is considered that the Council maintains the approved minimum working balance level at £2.6m as set out in **APPENDIX 5**. However, this will be regularly reviewed in the light of changing circumstances.
- 3.14.3 The £587k New Homes Bonus allocation for 2025 / 26 will be utilised to support general fund expenditure.
- 3.14.4 In setting budgets and projections for individual years, it is important that the Council is not reliant on the use of reserves to support revenue expenditure thus creating an unsustainable future. Therefore, the use of these reserves is for one-off expenditure, not to fund ongoing revenue costs and should be replenished where required over time.
- 3.15 Medium Term Financial Strategy (MTFS)**
- 3.15.1 The MTFS is reported to the Strategy and Resources Committee and will be presented to the Council on 13 February 2025 for consideration at the same time as the suite of financial reports for 2025 / 26.
- 3.16 View on Risks**
- 3.16.1 Risks to the Council's financial position could potentially derive from budget overspends, loss of investment income, contractual / legislative failure, shortfall in forecast business rates growth or challenge and emergency events. Historically, the Council's outturn has been within budget and investment income has been above budget; therefore, this is not seen as a high risk to the Council, and it is not necessary to make additional significant provision. However, robust budget management, monitoring and reporting will be a key discipline for all budget managers and ensuring that savings and income levels included in the budget are achieved, will be a key focus.
- 3.16.2 The level of risk posed by contractual or legislative failure and emergency events is difficult to predict, but it would be a low probability with a potentially high impact. However, it is not appropriate to set aside large amounts of reserve against the possibility of this happening and that appropriate bond / Parent Company Guarantee have been built into large contracts.
- 3.16.3 It is important to recognise that with the introduction of the Business Rates Retention, there is a considerable degree of uncertainty in the forecast for business rates growth as much of it depends on external factors including the impact of successful appeals. The Council's own economic development policies can have an impact on business rates growth and therefore it is important that the planning services, economic development services and the business rates service have a co-ordinated approach to inward investment policies. It is important to ensure a high level of growth in the district, as any empty properties create a risk on the level of Business Rates income the Council will receive.
- 3.16.4 The current cost of living crisis driven by high inflation and increasing interest rates put a high degree of pressure on family and business budgets and this could affect households' and businesses' ability to pay Council Tax and NNDR respectively. This places a risk on local taxation collection rates.
- 3.16.5 Section 25 of the 2003 Local Government Act requires the Section 151 Officer to make a formal report to the Council on the robustness of the budget and adequacy of reserves (**APPENDIX 5**).

4. CONCLUSION

- 4.1 After including all items within the financial projections, general fund and earmarked reserves at the start of 2025 / 26 are expected to be £16.7m with all known movements considered and finish the financial year at £12.3m. The government has set the referendum threshold for the increase in the average band D Council Tax in 2025 / 26 for district councils at 2.99% or £5, whichever is the greater. Due to the unknown impact of future changes to Local Government finance, it is proposed that the Council should take the opportunity to increase its financial base by increasing the average band D Council Tax by 2.99% (£6.74), the maximum allowed for by the government before a referendum is required.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

- 5.1 This budget is assembled with all corporate priorities considered for the 2025 / 26 financial year.

6. IMPLICATIONS

- (i) **Impact on Customers** – The budget process ensures that changes in service delivery resulting in budget changes are reviewed by Officers and Members so that any impact can be considered. In 2025 / 26, only essential budget growth has been considered.
- (ii) **Impact on Equalities** – The budget affects all residents in the district, it is not considered that the provisions impact negatively on an individual user group.
- (iii) **Impact on Risk (including Fraud implications)** – The distribution of resources reflected in the revenue and capital budgets is designed to support the Authority's approach to risk management (i.e. to reduce all major corporate risks to a level within approved tolerances through the implementation of approved mitigation plans).
- (iv) **Impact on Resources (financial)** – This report details the impact on financial resources.
- (v) **Impact on Resources (human)** – The budget includes an assumed pay increase.

Background Papers:

Budgetary Control Report to the Strategy and Resources Committee, 21 November 2024.
Savings Report to the Strategy and Resources Committee, 23 January 2025.
Discretionary Fees and Charges Report to the Strategy and Resources Committee, 21 November 2024.

Enquiries to: Ben Cookson, Interim Section 151 Officer.

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Council Tax Summary		Appendix 1		
REVENUE ESTIMATES SUMMARY 2024/25				
		Original	Revised	Budget
		2024/25	2024/25	2025/26
Directorates		£000	£000	£000
Service Delivery		7,449	5,627	5,879
Strategy Performance and Governance		1,860	3,596	6,026
Resources		3,144	3,707	1,175
Net Cost of Services		12,453	12,930	13,080
Interest on Investments		(1,000)	(1,000)	(664)
Net Operating Expenditure		11,453	11,930	12,416
Appropriations & Adjustments				
Impact of forward pension deficit funding		0	0	120
Govt Direct Grants				
- New Homes Bonus		(495)	(495)	(587)
- Rural Support		(42)	(42)	0
- EPR		0	0	(636)
- Other grants		(11)	(11)	(37)
Business Rates Renewable Energy		(957)	(957)	(973)
Funding Guarantee - Business Rates Section 31 Grants		(774)	(774)	(443)
NDR Prior year (Surplus)/Deficit		(2,396)	(2,396)	(55)
Council Tax Prior year (Surplus)/Deficit		(275)	(275)	(45)
Business Rates Retention		(3,359)	(3,359)	(3,337)
To/(From) Earmarked Reserves		2,746	2,270	(72)
To/(From) General Fund Reserve		55	55	(120)
Expenditure to be Funded		5,946	5,946	6,230
		2024/2025	2025/2026	
Property Tax Base (Band D equivalent)		26,400.2	26,854.4	
		2024/2025	2025/2026	
Council Tax Charges		Charge @	Total	Charge @
		Band D	Cost	Band D
		£ : p	£	£ : p
Revenue Expenditure to be Funded		225.27	5,947,173	232.01
Maldon District Council Charge		225.27	5,947,173	232.01
Parish Precepts		67.89	1,792,273	71.28
Essex County Council Precept		1,522.53	40,195,097	1,538.28
Police & Crime Commissioner for Essex		246.42	6,505,537	253.79
Essex Fire Authority		82.62	2,181,185	84.26
Final Charge		2,144.73	56,621,264	2,179.62
				58,532,447

Council Tax Summary		Appendix 1		
REVENUE ESTIMATES SUMMARY 2024/25				
		Original 2023/24	Revised 2023/24	Original 2024/25
		£000	£000	£000
Directorates				
Service Delivery		6,981	8,252	7,449
Strategy Performance and Governance		2,071	2,233	1,860
Resources		3,489	3,627	3,144
Net Cost of Services		12,541	14,112	12,453
Interest on Investments		(750)	(750)	(1,000)
Net Operating Expenditure		11,791	13,362	11,453
Appropriations & Adjustments				
Impact of forward pension deficit funding		351	351	0
Statutory Adjustments		0	0	0
Govt Direct Grants				
- New Homes Bonus		(474)	(474)	(495)
- Other Direct Grants		(363)	(363)	(383)
- Business Rates Renewable Energy		(746)	(746)	(957)
- Funding Guarantee		(607)	(607)	(693)
Levy Redistribution		0	0	0
To/(From) Earmarked Revenue Reserves		(2,141)	(4,134)	(62)
To/(From) Balances		(421)	0	54
Expenditure to be Funded		7,390	7,390	8,919
		2023/2024		2024/2025
Property Tax Base (Band D equivalent)		25,892.3		26,400.2
		2023/2024		2024/2025
Council Tax Charges	Charge @	Total	Charge @	Total
	Band D	Cost	Band D	Cost
	£ : p	£	£ : p	£
Revenue Expenditure to be Funded	285.39	7,389,503	337.87	8,919,823
Business Rates Retention				
- Base Line Funding	(26.39)	(683,345)	(62.32)	(1,645,193)
- Business Growth Retention	(79.19)	(2,050,394)	(62.71)	(1,655,495)
- Levy on Business Rates Growth net to ECC Pool	9.66	250,000	12.44	328,520
- NDR Collection Fund Adjustment (Surplus)/Deficit	29.28	758,197	0.00	0
Council Tax Collection Fund Adj (Surplus)/Deficit	0.00	0	0.00	0
Maldon District Council Charge	218.75	5,663,960	225.29	5,947,656
Parish Precepts	63.84	1,652,967	67.89	1,792,273
Essex County Council Precept	1,450.17	37,548,240	1,522.53	40,195,097
Police & Crime Commissioner for Essex	233.47	6,044,992	246.42	6,505,537
Essex Fire Authority	80.28	2,078,613	82.62	2,181,185
Final Charge	2,046.51	52,988,771	2,144.75	56,621,747

Appendix 2 - MDC Original Detailed Budgets 2024/25

BUDGETS
ORIGINAL 24/25
Above (WHITE)
REVISED 24/25
Below (BLUE)

APPENDIX 2

Cost Centre	Description	Direct Costs				Recharges			Income			Net Budget
		Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	
172	Strategy, Performance & Governance	1,402,700	4,400	10,700	0	8,500	0	0	0	(115,600)	0	1,310,700
		1,073,600	4,400	13,600	0	13,900	0	0	0	(127,800)	0	977,700
171	Resources	2,286,600	0	80,500	0	91,700	0	0	0	0	0	2,458,800
		2,658,000	0	76,000	0	40,700	0	0	0	0	0	2,774,700
170	Service Delivery	39,700	0	20,000	0	140,300	0	0	0	0	0	200,000
		81,300	0	56,300	0	127,400	0	0	0	0	0	265,000
101	Corporate Core	0	0	800	0	0	0	0	0	0	0	800
		0	0	0	0	0	0	0	0	0	0	0
102	Election Services	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
103	Policy & Comms	0	0	68,600	0	0	0	0	0	0	0	68,600
		0	0	67,200	0	0	0	0	0	0	0	67,200
104	Training	0	0	29,000	0	0	0	0	0	0	0	29,000
		0	0	44,600	0	0	0	0	0	0	0	44,600
105	Human Resources	0	0	33,800	0	0	0	0	0	0	0	33,800
		0	0	39,400	0	0	0	0	0	0	0	39,400
106	Apprentices	18,000	0	0	0	0	0	0	0	0	0	18,000
		26,000	0	0	0	0	0	0	0	0	(1,500)	24,500
108	Committee Services	0	0	19,800	0	0	0	0	0	0	0	19,800
		0	0	18,400	0	0	0	0	0	0	0	18,400
109	General Office Support	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
110	Customer Services	718,500	0	11,700	0	0	0	0	0	0	0	730,200
		662,600	0	11,600	0	0	0	0	0	0	0	674,200
111	Internal Audit & Perf. Review	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
113	Finance	0	0	44,200	0	0	0	0	0	0	0	44,200
		0	0	41,900	0	0	0	0	0	0	0	41,900
114	Revenues & Benefits	918,600	1,200	123,200	0	0	0	0	0	(172,900)	0	870,100
		929,000	1,200	126,400	0	0	0	0	0	(172,900)	0	883,700
118	Leisure & Community	0	0	62,900	0	0	0	0	0	(9,000)	0	53,900
		0	0	61,600	0	0	0	0	0	(9,000)	0	52,600
119	IT Services	0	0	570,000	0	0	0	0	0	0	0	570,000
		0	0	599,300	0	0	0	0	0	(65,000)	0	534,300
121	Council Offices	0	0	308,200	0	(279,100)	0	0	0	(117,100)	0	(88,000)
		0	0	315,300	0	(208,900)	0	0	0	(106,400)	0	0
124	Princes Rd Depot	0	0	37,500	0	0	0	0	0	(2,200)	0	35,300
		0	0	28,200	0	0	0	0	0	(2,200)	0	26,000
129	Legal Services	0	0	7,700	0	0	0	0	0	(10,000)	0	(2,300)
		0	0	7,700	0	0	0	0	0	(10,000)	0	(2,300)
132	Environmental Health	930,200	1,200	2,000	0	0	0	0	0	0	0	933,400
		1,012,500	500	1,500	0	0	0	0	0	0	0	1,014,500
133	Environmental Waste	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
134	Housing	597,000	800	0	0	0	0	0	0	0	0	597,800
		694,700	0	0	0	0	0	0	0	0	(169,700)	525,000
141	Parks & Countryside Services	1,328,800	66,900	123,900	0	0	0	0	(46,400)	0	0	1,473,200
		1,070,800	67,200	136,100	0	0	0	0	(62,000)	0	0	1,212,100
149	Nursery	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
153	Parks Rangers	456,800	10,800	3,200	0	0	0	0	0	(75,000)	0	395,800

Page 349

BUDGETS ORIGINAL 24/25 Above (WHITE) REVISED 24/25 Below (BLUE)		Direct Costs				Recharges			Income			APPENDIX 2
Cost Centre	Description	Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	Net Budget £
		400,700	10,500	6,200	0	0	0	0	0	(78,000)	0	339,400
155	Prom Depot	0	0	14,700	0	0	0	0	0	0	0	14,700
		0	0	17,000	0	0	0	0	0	0	0	17,000
163	Enforcement	0	0	0	0	0	0	0	0	0	0	0
		0	0	(4,100)	0	0	0	0	0	0	0	(4,100)
164	Economic Development	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
165	Planning Policy Services	725,500	500	4,100	0	0	0	0	0	0	0	730,100
		679,500	500	4,100	0	0	0	0	0	0	0	684,100
166	Planning Admin Services	0	0	2,200	0	0	0	0	0	0	0	2,200
		0	0	0	0	0	0	0	0	0	0	0
167	Development Control Services	1,409,800	1,500	5,900	0	0	0	0	0	0	0	1,417,200
		1,590,200	1,500	5,900	0	0	0	0	0	0	0	1,597,600
168	Building Control Services	0	800	0	0	0	0	0	0	0	0	800
		0	0	0	0	0	0	0	0	0	0	0
TOTAL Service Management & Support Services		10,832,200	88,100	1,584,600	0	(38,600)	0	0	(46,400)	(501,800)	0	11,918,100
		10,878,900	85,800	1,674,200	0	(26,900)	0	0	(62,000)	(571,300)	(171,200)	11,807,500
									15,600			1,780,200
Central Services												
Corporate Core & Democratic Core												
256	Corporate Management	0	0	475,600	0	0	0	0	0	(235,000)	(85,100)	155,500
		26,000	0	465,700	0	0	0	0	0	(235,000)	(25,000)	231,700
260	Democratic Representation & Mgt	254,300	14,000	20,700	0	37,000	0	0	0	0	0	326,000
		264,300	14,000	20,700	0	26,900	0	0	0	0	0	325,900
270	FM Implementation	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
TOTAL Corporate & Democratic Core		254,300	14,000	496,300	0	37,000	0	0	0	(235,000)	(85,100)	481,500
		290,300	14,000	486,400	0	26,900	0	0	0	(235,000)	(25,000)	557,600
												(389,500)
Central Services to the Public												
202	Business Rates Collection	0	0	5,800	0	0	0	0	0	(5,100)	(90,000)	(89,300)
		0	0	5,800	0	0	0	0	0	(5,100)	(90,000)	(89,300)
209	Council Tax Benefit Admin	0	0	9,100	0	0	0	0	0	0	(57,000)	(47,900)
		0	0	0	0	0	0	0	0	0	0	0
216	Council Tax Collection	0	0	47,900	0	0	0	0	0	(101,200)	0	(53,300)
		0	0	57,000	0	0	0	0	0	(101,200)	0	(44,200)
213	Electoral Registration	0	0	49,500	0	0	0	0	0	0	0	49,500
		0	0	49,400	0	0	0	0	0	0	0	49,400
253	Civil Emergencies	0	0	39,900	0	0	0	0	0	0	0	39,900
		0	0	58,300	0	0	0	0	0	0	0	58,300
254	Election Management	0	0	36,000	0	0	0	0	0	0	0	36,000
		0	0	53,200	0	0	0	0	0	0	(15,200)	38,000
255	Land Charges	0	0	24,500	0	0	0	0	(90,000)	0	0	(65,500)
		0	0	24,500	0	0	0	0	(90,000)	0	0	(65,500)
TOTAL Central Services		0	0	212,700	0	0	0	0	(90,000)	(106,300)	(147,000)	(130,600)
		0	0	248,200	0	0	0	0	(90,000)	(106,300)	(105,200)	(53,300)
									0			91,600

BUDGETS ORIGINAL 24/25 Above (WHITE) REVISED 24/25 Below (BLUE)		APPENDIX 2										
Cost Centre	Description	Direct Costs				Recharges			Income			Net Budget
		Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	
Cultural, Environmental & Planning Services												
Cultural Services												
501, 502, 503, 509, 520, 522	Sport	0	0	51,000	0	0	0	0	0	(36,000)	0	15,000
		0	0	131,000	0	0	0	0	(23,400)	(84,800)	0	22,800
122, 506, 508	Community Centres	0	0	77,200	0	0	0	0	0	(37,400)	0	39,800
		0	0	78,400	0	0	0	0	0	(14,400)	0	64,000
505, 511, 514, 516, 518, 519	Parks & Open Spaces	30,000	0	427,100	0	0	0	0	(798,500)	(259,500)	0	(600,900)
		20,000	0	633,600	0	0	0	0	(707,500)	(299,100)	0	(353,000)
542, 546	Heritage	0	0	4,100	0	0	0	0	0	0	0	4,100
		0	0	5,700	0	0	0	0	0	0	0	5,700
309	Rivers	0	5,300	35,500	0	0	0	0	(44,600)	(153,800)	0	(157,600)
		0	4,800	57,500	0	0	0	0	(44,600)	(153,600)	0	(135,900)
320, 325, 330	Tourism	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
TOTAL Cultural Services		30,000	5,300	594,900	0	0	0	0	(843,100)	(486,700)	0	(699,600)
		20,000	4,800	906,200	0	0	0	0	(775,500)	(551,900)	0	(396,400)
									(67,600)			(160,400)
Environmental Services												
340	Public Entertainment Licences	0	0	36,200	0	0	0	0	(62,900)	(6,800)	0	(33,500)
		0	0	36,200	0	0	0	0	(65,100)	(6,800)	0	(35,700)
341	Hackney Carriage	0	0	21,300	0	0	0	0	(1,800)	(40,300)	0	(20,800)
		0	0	21,300	0	0	0	0	(1,800)	(30,300)	0	(10,800)
550	Public Conveniences	0	0	133,500	0	0	0	0	0	0	0	133,500
		0	0	149,600	0	0	0	0	0	0	0	149,600
555	Cemeteries	0	1,500	46,700	0	0	0	0	(169,400)	(300)	0	(121,500)
		0	1,500	223,100	0	0	0	0	(196,600)	(300)	0	27,700
562, 563	Community Safety	0	0	37,400	0	0	0	0	0	(12,500)	0	24,900
		0	0	37,400	0	0	0	0	0	(12,500)	0	24,900
576, 579, 581	Waste Management	0	2,300	5,530,300	0	0	0	0	(12,000)	(2,649,900)	0	2,870,700
		0	3,100	5,057,700	496,000	0	0	0	(18,000)	(2,801,800)	0	2,737,000
566, 567, 570, 571, 572, 573, 577	Other Environmental Health	0	1,200	54,500	0	0	0	0	(23,000)	(3,400)	0	29,300
		0	1,200	187,400	0	0	0	0	(159,800)	(3,400)	0	25,400
TOTAL Environmental Services		0	5,000	5,859,900	0	0	0	0	(269,100)	(2,713,200)	0	2,882,600
		0	5,800	5,712,700	496,000	0	0	0	(441,300)	(2,855,100)	0	2,918,100
									172,200			1,136,600
Planning & Development Services												
232	Discretionary Rate Relief	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
301	Planning Policy	0	0	8,600	0	0	0	0	0	0	0	8,600
		0	0	44,300	0	0	0	0	0	0	(35,100)	9,200
302	Development Control	0	0	119,000	0	0	0	0	(1,082,800)	(19,500)	0	(983,300)
		0	0	222,400	0	0	0	0	(682,800)	0	0	(460,400)
303	Building Regs - Fee Related	0	0	500	0	0	0	0	(193,500)	(2,000)	0	(195,000)

BUDGETS ORIGINAL 24/25 Above (WHITE) REVISED 24/25 Below (BLUE)		Direct Costs				Recharges			Income			APPENDIX 2
Cost Centre	Description	Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	Net Budget £
		0	0	500	0	0	0	0	(178,500)	(2,000)	0	(180,000)
313	Building Regs - Non Fee Related	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
304	Building Conservation	0	0	1,800	0	0	0	0	0	0	0	1,800
		0	0	1,800	0	0	0	0	0	0	0	1,800
305	Economic Development	0	0	0	0	0	0	0	0	0	0	0
		0	0	6,000	0	0	0	0	0	0	0	6,000
307	Gypsy & Traveller	0	0	8,700	0	0	0	0	0	0	0	8,700
		0	0	8,700	0	0	0	0	0	0	0	8,700
317	Bradwell B	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
565	Community Grants	0	0	85,100	0	0	0	0	0	0	0	85,100
		0	0	85,100	0	0	0	0	0	0	0	85,100
TOTAL Planning & Development Services		0	0	223,700	0	0	0	0	(1,276,300)	(21,500)	0	(1,074,100)
		0	0	368,800	0	0	0	0	(861,300)	(2,000)	(35,100)	(529,600)
									(415,000)			
Highways, Roads & Transport Services												
311	Highways	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
312	Street Naming	0	0	8,900	0	0	0	0	0	0	0	8,900
		0	0	5,900	0	0	0	0	0	0	0	5,900
534, 535	Off Street Parking	0	0	219,700	0	0	0	0	(939,000)	0	0	(719,300)
		0	0	224,200	0	0	0	0	(1,050,833)	0	0	(826,633)
TOTAL Highways, Roads & Transport Services		0	0	228,600	0	0	0	0	(939,000)	0	0	(710,400)
		0	0	230,100	0	0	0	0	(1,050,833)	0	0	(820,733)
									111,833			
Housing Services												
204	Rent Allowances	0	0	9,131,700	0	0	0	0	0	(277,600)	(8,844,200)	9,900
		0	0	9,158,100	0	0	0	0	0	(275,100)	(8,873,100)	9,900
203	Housing Benefits Admin	0	0	21,200	0	0	0	0	0	(7,000)	(108,700)	(94,500)
		0	0	18,600	0	0	0	0	0	(7,000)	(106,100)	(94,500)
591, 592, 593, 598	Other Housing Services	0	0	202,600	0	0	0	0	(13,000)	(32,500)	(143,000)	14,100
		0	0	319,600	0	0	0	0	(212,900)	(32,500)	(387,500)	(313,300)
TOTAL Housing Services		0	0	9,355,500	0	0	0	0	(13,000)	(317,100)	(9,095,900)	(70,500)
		0	0	9,496,300	0	0	0	0	(212,900)	(314,600)	(9,366,700)	(397,900)
Non Distributed Costs												
257	Non Distributed Costs	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
TOTAL Non Distributed Costs		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
Other Services												
224	Misc Land & Property	0	0	3,100	0	0	0	0	0	(39,000)	0	(35,900)
		0	0	4,700	0	0	0	0	0	(39,000)	0	(34,300)
225	Industrial Sites	0	0	2,900	0	0	0	0	0	(123,400)	0	(120,500)
		0	0	2,900	0	0	0	0	0	(123,400)	0	(120,500)

BUDGETS ORIGINAL 24/25 Above (WHITE) REVISED 24/25 Below (BLUE)		Direct Costs				Recharges			Income			APPENDIX 2
Cost Centre	Description	Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	Net Budget £
TOTAL Other												
	Services	0	0	6,000	0	0	0	0	0	(162,400)	0	(156,400)
	CD	0	0	7,600	0	0	0	0	0	(162,400)	0	(154,800)
SUB TOTAL	ORIGINAL 24/25	11,116,500	112,400	18,562,200	0	(1,600)	0	0	(3,476,900)	(4,544,000)	(9,328,000)	12,440,600
	REVISED 24/25	11,189,200	110,400	19,130,500	496,000	0	0	0	(3,493,833)	(4,798,600)	(9,703,200)	12,930,467
Less Vacancy/Savings Allowance 1%												
TOTAL AGREED	ORIGINAL 24/25	11,116,500	112,400	18,562,200	0	(1,600)	0	0	(3,476,900)	(4,544,000)	(9,328,000)	12,440,600
BUDGET	REVISED 24/25	11,189,200	110,400	19,130,500	496,000	0	0	0	(3,493,833)	(4,798,600)	(9,703,200)	12,930,467

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Appendix 3 - MDC Original Detailed Budgets 2025/2026

BUDGETS
ORIGINAL 24/25
Above (WHITE)
ORIGINAL 25/26
Below (BLUE)

APPENDIX 3

Cost Centre	Description	Direct Costs				Recharges			Income			Net Budget
		Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	
172	Strategy, Performance & Governance	1,402,700	4,400	10,700	0	8,500	0	0	0	(115,600)	0	1,310,700
		3,621,000	4,400	40,100	0	52,300	0	0	0	(249,000)	0	3,468,800
171	Resources	2,286,600	0	80,500	0	91,700	0	0	0	0	0	2,458,800
		0	0	0	0	0	0	0	0	0	0	0
170	Service Delivery	39,700	0	20,000	0	140,300	0	0	0	0	0	200,000
		81,300	0	32,100	0	122,100	0	0	0	0	0	235,500
101	Corporate Core	0	0	800	0	0	0	0	0	0	0	800
		432,600	0	16,500	0	0	0	0	0	(96,300)	0	352,800
102	Election Services	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
103	Policy & Comms	0	0	68,600	0	0	0	0	0	0	0	68,600
		0	0	34,200	0	0	0	0	0	0	0	34,200
104	Training	0	0	29,000	0	0	0	0	0	0	0	29,000
		0	0	18,000	0	0	0	0	0	0	0	18,000
105	Human Resources	0	0	33,800	0	0	0	0	0	0	0	33,800
		0	0	39,900	0	0	0	0	0	0	0	39,900
106	Apprentices	18,000	0	0	0	0	0	0	0	0	0	18,000
		18,000	0	0	0	0	0	0	0	0	0	18,000
108	Committee Services	0	0	19,800	0	0	0	0	0	0	0	19,800
		0	0	17,900	0	0	0	0	0	0	0	17,900
109	General Office Support	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
110	Customer Services	718,500	0	11,700	0	0	0	0	0	0	0	730,200
		768,900	0	11,900	0	0	0	0	0	0	0	780,800
111	Internal Audit & Perf. Review	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
113	Finance	0	0	44,200	0	0	0	0	0	0	0	44,200
		0	0	42,600	0	0	0	0	0	0	0	42,600
114	Revenues & Benefits	918,600	1,200	123,200	0	0	0	0	0	(172,900)	0	870,100
		947,118	1,200	123,200	0	0	0	0	0	(114,800)	0	956,718
118	Leisure & Community	0	0	62,900	0	0	0	0	0	(9,000)	0	53,900
		0	0	62,900	0	0	0	0	0	(9,000)	0	53,900
119	IT Services	0	0	570,000	0	0	0	0	0	0	0	570,000
		0	0	553,600	0	0	0	0	0	0	0	553,600
121	Council Offices	0	0	308,200	0	(279,100)	0	0	0	(117,100)	0	(88,000)
		0	0	310,400	0	(200,100)	0	0	0	(110,300)	0	0
124	Princes Rd Depot	0	0	37,500	0	0	0	0	0	(2,200)	0	35,300
		0	0	29,300	0	0	0	0	0	(2,200)	0	27,100
129	Legal Services	0	0	7,700	0	0	0	0	0	(10,000)	0	(2,300)
		0	0	7,700	0	0	0	0	0	(10,000)	0	(2,300)
132	Environmental Health	930,200	1,200	2,000	0	0	0	0	0	0	0	933,400
		1,118,978	1,200	1,500	0	0	0	0	0	0	0	1,121,678
133	Environmental Waste	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
134	Housing	597,000	800	0	0	0	0	0	0	0	0	597,800
		721,753	0	0	0	0	0	0	0	0	(129,600)	592,153
141	Parks & Countryside Services	1,328,800	66,900	123,900	0	0	0	0	(46,400)	0	0	1,473,200
		1,000,700	75,600	123,200	0	0	0	0	(66,400)	0	0	1,133,100
149	Nursery	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
153	Parks Rangers	456,800	10,800	3,200	0	0	0	0	0	(75,000)	0	395,800
		443,900	9,000	3,200	0	0	0	0	0	(105,000)	0	351,100

Page 355

BUDGETS ORIGINAL 24/25 Above (WHITE) ORIGINAL 25/26 Below (BLUE)		Direct Costs				Recharges				Income			APPENDIX 3
Cost Centre	Description	Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	Net Budget £	
155	Prom Depot	0	0	14,700	0	0	0	0	0	0	0	14,700	
		0	0	13,700	0	0	0	0	0	0	0	13,700	
163	Enforcement	0	0	0	0	0	0	0	0	0	0	0	
		0	0	0	0	0	0	0	0	0	0	0	
164	Economic Development	0	0	0	0	0	0	0	0	0	0	0	
		0	0	0	0	0	0	0	0	0	0	0	
165	Planning Policy Services	725,500	500	4,100	0	0	0	0	0	0	0	730,100	
		800,200	500	4,100	0	0	0	0	0	(40,100)	0	764,700	
166	Planning Admin Services	0	0	2,200	0	0	0	0	0	0	0	2,200	
		0	0	0	0	0	0	0	0	0	0	0	
167	Development Control Services	1,409,800	1,500	5,900	0	0	0	0	0	0	0	1,417,200	
		1,598,700	1,500	5,900	0	0	0	0	0	(122,200)	0	1,483,900	
168	Building Control Services	0	800	0	0	0	0	0	0	0	0	800	
		0	0	0	0	0	0	0	0	0	0	0	
TOTAL Service Management & Support Services		10,832,200	88,100	1,584,600	0	(38,600)	0	0	(46,400)	(501,800)	0	11,918,100	
		11,553,149	93,400	1,501,400	0	(25,700)	0	0	(66,400)	(858,900)	(129,600)	12,067,349	
Central Services													
Corporate Core & Democratic Core													
256	Corporate Management	0	0	475,600	0	0	0	0	0	(235,000)	(85,100)	155,500	
		0	0	458,300	0	0	0	0	0	(281,000)	(15,000)	162,300	
260	Democratic Representation & Mgt	254,300	14,000	20,700	0	37,000	0	0	0	0	0	326,000	
		270,900	14,000	14,900	0	0	0	0	0	0	0	299,800	
270	FM Implementation	0	0	0	0	0	0	0	0	0	0	0	
		0	0	0	0	0	0	0	0	0	0	0	
TOTAL Corporate & Democratic Core		254,300	14,000	496,300	0	37,000	0	0	0	(235,000)	(85,100)	481,500	
		270,900	14,000	473,200	0	0	0	0	0	(281,000)	(15,000)	462,100	
Central Services to the Public													
202	Business Rates Collection	0	0	5,800	0	0	0	0	0	(5,100)	(90,000)	(89,300)	
		0	0	5,800	0	0	0	0	0	(5,100)	(90,000)	(89,300)	
209	Council Tax Benefit Admin	0	0	9,100	0	0	0	0	0	0	(57,000)	(47,900)	
		0	0	0	0	0	0	0	0	0	0	0	
216	Council Tax Collection	0	0	47,900	0	0	0	0	0	(101,200)	0	(53,300)	
		0	0	57,000	0	0	0	0	0	(101,200)	0	(44,200)	
213	Electoral Registration	0	0	49,500	0	0	0	0	0	0	0	49,500	
		0	0	49,400	0	0	0	0	0	0	0	49,400	
253	Civil Emergencies	0	0	39,900	0	0	0	0	0	0	0	39,900	
		0	0	39,900	0	0	0	0	0	0	0	39,900	
254	Election Management	0	0	36,000	0	0	0	0	0	0	0	36,000	
		0	0	38,300	0	0	0	0	0	0	0	38,300	
255	Land Charges	0	0	24,500	0	0	0	0	(90,000)	0	0	(65,500)	
		0	0	24,500	0	0	0	0	(78,000)	0	0	(53,500)	
TOTAL Central Services		0	0	212,700	0	0	0	0	(90,000)	(106,300)	(147,000)	(130,600)	
		0	0	214,900	0	0	0	0	(78,000)	(106,300)	(90,000)	(59,400)	

BUDGETS ORIGINAL 24/25 Above (WHITE) ORIGINAL 25/26 Below (BLUE)		Direct Costs				Recharges			Income			APPENDIX 3
Cost Centre	Description	Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	Net Budget £
Cultural, Environmental & Planning Services												
Cultural Services												
501, 502, 503, 509, 520, 522	Sport	0	0	51,000	0	0	0	0	0	(36,000)	0	15,000
		0	0	34,200	175,500	0	0	0	0	(234,000)	0	(24,300)
122, 506, 508	Community Centres	0	0	77,200	0	0	0	0	0	(37,400)	0	39,800
		0	0	32,200	0	0	0	0	0	(37,600)	0	(5,400)
505, 511, 514, 516, 518, 519	Parks & Open Spaces	30,000	0	427,100	0	0	0	0	(798,500)	(259,500)	0	(600,900)
		2,000	0	436,800	0	0	0	0	(717,100)	(395,600)	0	(673,900)
542, 546	Heritage	0	0	4,100	0	0	0	0	0	0	0	4,100
		0	0	4,200	0	0	0	0	0	0	0	4,200
309	Rivers	0	5,300	35,500	0	0	0	0	(44,600)	(153,800)	0	(157,600)
		0	4,800	41,700	0	0	0	0	(45,600)	(157,000)	0	(156,100)
320, 325, 330	Tourism	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
TOTAL Cultural Services		30,000	5,300	594,900	0	0	0	0	(843,100)	(486,700)	0	(699,600)
		2,000	4,800	549,100	175,500	0	0	0	(762,700)	(824,200)	0	(855,500)
Environmental Services												
340	Public Entertainment Licences	0	0	36,200	0	0	0	0	(62,900)	(6,800)	0	(33,500)
		0	0	37,000	0	0	0	0	(64,300)	(6,900)	0	(34,200)
341	Hackney Carriage	0	0	21,300	0	0	0	0	(1,800)	(40,300)	0	(20,800)
		0	0	21,700	0	0	0	0	(1,800)	(30,300)	0	(10,400)
550	Public Conveniences	0	0	133,500	0	0	0	0	0	0	0	133,500
		0	0	141,900	0	0	0	0	0	0	0	141,900
555	Cemeteries	0	1,500	46,700	0	0	0	0	(169,400)	(300)	0	(121,500)
		0	1,500	156,200	0	0	0	0	(175,100)	(300)	0	(17,700)
562, 563	Community Safety	0	0	37,400	0	0	0	0	0	(12,500)	0	24,900
		0	0	37,400	0	0	0	0	0	(12,500)	0	24,900
576, 579, 581	Waste Management	0	2,300	5,530,300	0	0	0	0	(12,000)	(2,649,900)	0	2,870,700
		0	3,900	5,371,500	625,000	0	0	0	(12,000)	(2,790,400)	0	3,198,000
566, 567, 570, 571, 572, 573, 577	Other Environmental Health	0	1,200	54,500	0	0	0	0	(23,000)	(3,400)	0	29,300
		0	1,200	52,500	0	0	0	0	(23,400)	(3,400)	0	26,900
TOTAL Environmental Services		0	5,000	5,859,900	0	0	0	0	(269,100)	(2,713,200)	0	2,882,600
		0	6,600	5,818,200	625,000	0	0	0	(276,600)	(2,843,800)	0	3,329,400
Planning & Development Services												
232	Discretionary Rate Relief	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
301	Planning Policy	0	0	8,600	0	0	0	0	0	0	0	8,600
		0	0	9,200	0	0	0	0	0	0	0	9,200
302	Development Control	0	0	119,000	0	0	0	0	(1,082,800)	(19,500)	0	(983,300)
		0	0	121,000	0	0	0	0	(906,600)	0	0	(785,600)
303	Building Regs - Fee Related	0	0	500	0	0	0	0	(193,500)	(2,000)	0	(195,000)

BUDGETS
ORIGINAL 24/25
Above (WHITE)
ORIGINAL 25/26
Below (BLUE)

Cost Centre	Description	Direct Costs				Recharges			Income			Net Budget
		Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	
		0	0	500	0	0	0	0	(182,400)	(2,000)	0	(183,900)
313	Building Regs - Non Fee Related	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
304	Building Conservation	0	0	1,800	0	0	0	0	0	0	0	1,800
		0	0	1,800	0	0	0	0	0	(3,500)	0	(1,700)
305	Economic Development	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
307	Gypsy & Traveller	0	0	8,700	0	0	0	0	0	0	0	8,700
		0	0	8,700	0	0	0	0	0	0	0	8,700
317	Bradwell B	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
565	Community Grants	0	0	85,100	0	0	0	0	0	0	0	85,100
		0	0	87,000	0	0	0	0	0	0	0	87,000
TOTAL Planning & Development Services		0	0	223,700	0	0	0	0	(1,276,300)	(21,500)	0	(1,074,100)
		0	0	228,200	0	0	0	0	(1,089,000)	(5,500)	0	(866,300)
Highways, Roads & Transport Services												
311	Highways	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
312	Street Naming	0	0	8,900	0	0	0	0	0	0	0	8,900
		0	0	8,900	0	0	0	0	0	0	0	8,900
534, 535	Off Street Parking	0	0	219,700	0	0	0	0	(939,000)	0	0	(719,300)
		0	0	229,500	0	0	0	0	(1,004,100)	0	0	(774,600)
TOTAL Highways, Roads & Transport Services		0	0	228,600	0	0	0	0	(939,000)	0	0	(710,400)
		0	0	238,400	0	0	0	0	(1,004,100)	0	0	(765,700)
Housing Services												
204	Rent Allowances	0	0	9,131,700	0	0	0	0	0	(277,600)	(8,844,200)	9,900
		0	0	9,158,100	0	0	0	0	0	(275,100)	(8,873,100)	9,900
203	Housing Benefits Admin	0	0	21,200	0	0	0	0	0	(7,000)	(108,700)	(94,500)
		0	0	18,600	0	0	0	0	0	(7,000)	(106,100)	(94,500)
591, 592, 593, 598	Other Housing Services	0	0	202,600	0	0	0	0	(13,000)	(32,500)	(143,000)	14,100
		0	0	217,000	0	0	0	0	(13,000)	(32,500)	(159,400)	12,100
TOTAL Housing Services		0	0	9,355,500	0	0	0	0	(13,000)	(317,100)	(9,095,900)	(70,500)
		0	0	9,393,700	0	0	0	0	(13,000)	(314,600)	(9,138,600)	(72,500)
Non Distributed Costs												
257	Non Distributed Costs	0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
TOTAL Non Distributed Costs		0	0	0	0	0	0	0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0	0
Other Services												
224	Misc Land & Property	0	0	3,100	0	0	0	0	0	(39,000)	0	(35,900)
		0	0	3,400	0	0	0	0	0	(39,400)	0	(36,000)
225	Industrial Sites	0	0	2,900	0	0	0	0	0	(123,400)	0	(120,500)
		0	0	2,900	0	0	0	0	0	(126,100)	0	(123,200)
TOTAL Other Services		0	0	6,000	0	0	0	0	0	(162,400)	0	(156,400)

Page 358

BUDGETS ORIGINAL 24/25 Above (WHITE) ORIGINAL 25/26 Below (BLUE)		Direct Costs				Recharges			Income			Net Budget
Cost Centre	Description	Staffing £	Transport £	Goods and Services £	Capital Charges £	Offices and Depots £	Support in £	Support out £	Fees and Charges £	Other Income £	Government Grant £	Net Budget £
		0	0	6,300	0	0	0	0	0	(165,500)	0	(159,200)
SUB TOTAL	ORIGINAL 24/25	11,116,500	112,400	18,562,200	0	(1,600)	0	0	(3,476,900)	(4,544,000)	(9,328,000)	12,440,600
	ORIGINAL 25/26	11,826,049	118,800	18,423,400	800,500	(25,700)	0	0	(3,289,800)	(5,399,800)	(9,373,200)	13,080,249
TOTAL AGREED BUDGET	ORIGINAL 24/25	11,116,500	112,400	18,562,200	0	(1,600)	0	0	(3,476,900)	(4,544,000)	(9,328,000)	12,440,600
	ORIGINAL 25/26	11,826,049	118,800	18,423,400	800,500	(25,700)	0	0	(3,289,800)	(5,399,800)	(9,373,200)	13,080,249

Page 3 of 3

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Earmarked Reserves	Purpose	Review Mechanism	Balance		Balance		Balance		Balance		Balance
			31/03/2025 £000's	Movement £000's	31/03/2026 £000's	Movement £000's	31/03/2027 £000's	Movement £000's	31/03/2028 £000's	Movement £000's	##### £000's
Business Continuity			(10)	0	(10)	0	(10)	0	(10)	0	(10)
Community Grants			(1)	0	(1)	0	(1)	0	(1)	0	(1)
Community Housing Fund Grant	Reserve to support Community-led housing delivery. Objective is to help deliver affordable housing aimed at first time buyers in response to the problem second homes can cause in reducing supply.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(104)	0	(104)	0	(104)	0	(104)	0	(104)
Community Infrastructure Levy and LDP review	Money has been put aside from unspent budgets to support the creation and adoption of the delayed LDP	Annually by the Strategic and Resources Committee at final accounts approval stage	(338)	233	(105)	105	0	0	0	0	0
Community Safety			(75)	0	(75)	0	(75)	0	(75)	0	(75)
Community Sports Network/Health & Wellbeing	The Council has schemes for awarding grants. The time limits on these grants exceed the financial year in which budget provision is made, necessitating a reserve to cover outstanding liabilities.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(1)	0	(1)	0	(1)	0	(1)	0	(1)
Council Tax and Business Rates equalisation	This reserve is to counter the timing differences in Council Tax and Business Rates funding.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages.	(5,964)	0	(5,964)	0	(5,964)	0	(5,964)	0	(5,964)
Corporate Delivery Reserve	Set aside to assist in funding corporate priorities.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages.	(125)	96	(29)	0	(29)	0	(29)	0	(29)
Domestic Abuse Reserve			(84)	0	(84)	0	(84)	0	(84)	0	(84)
Economic Development			(32)	20	(12)	0	(12)	0	(12)	0	(12)
Electoral Registration	To provide a reserve to enable the Authority to forward fund the District Elections every 4 years and By-Elections when they occur.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(121)	0	(121)	0	(121)	0	(121)	0	(121)
Extended Producer Responsibility Reserve			0	0	0	0	0	0	0	0	0
FDO external funding from Plume			(1)	0	(1)	0	(1)	0	(1)	0	(1)
Feasibility Study reserve	Funds set aside for cost incurred in studying the feasibility of various commercial projects.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(1)	0	(1)	0	(1)	0	(1)	0	(1)
Heritage projects			(8)	0	(8)	0	(8)	0	(8)	0	(8)
HMLR Projects Reserve			(153)	0	(153)	0	(153)	0	(153)	0	(153)
Homeless reduction Act Grant	Reserve set up to use three years of grant funding for Homelessness Reduction Officer.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(57)	0	(57)	0	(57)	0	(57)	0	(57)
Income & Expenditure Budget Equalisation	Reserve for smoothing of annual non-recurring surges in income or expenditure.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(246)	0	(246)	0	(246)	0	(246)	0	(246)
Insurance liability	The Council maintains external insurance policies to cover major risks. In many cases the policies have excess clauses that require the Council to meet the first part of each claim. The Council has established this reserve to cover its liabilities under policy excesses, finance any claims for small risks not insured externally and cover any future liability that may arise from winding up of Municipal Mutual Insurance.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(51)	0	(51)	0	(51)	0	(51)	0	(51)
Leisure Contract Equalisation Reserve			(0)	(33)	(33)	20	(12)	(0)	(12)	(203)	(216)
Leisure Repairs & Maintenance Reserve			0	(25)	(25)	(26)	(51)	(26)	(77)	(27)	(104)
Leisure Interest Repayment Reserve			(6)	(155)	(161)	(158)	(319)	(126)	(445)	(69)	(514)
Neighbourhood Plan Applications	To provide funding for preparation of Neighbourhood Plans	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(29)	0	(29)	0	(29)	0	(29)	0	(29)
Pensions Reserve	To provide a reserve to enable the Authority to forward fund the pension deficit for 3 years in 2023 and 2026.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(845)	(120)	(965)	240	(725)	(120)	(845)	(120)	(965)
Repairs & Renewals Fund	To provide funds to support additional revenue / capital costs arising from the need to maintain the Council's Asset base.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(165)	81	(84)	0	(84)	0	(84)	0	(84)
Revenue commitments	This reserve exists to smooth out the timing differences between monies being earmarked to expenditure from the annual revenue budget and the expenditure actually occurring.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(9)	0	(9)	0	(9)	0	(9)	0	(9)
Revenues & Benefits Reserve			(468)	0	(468)	0	(468)	0	(468)	0	(468)
Sports Development			(31)	0	(31)	0	(31)	0	(31)	0	(31)

Transformation	To provide funds to meet the one-off investment costs of efficiency savings or service reductions to be realised in future years. Also to enable the upfront costs of potential income generating projects.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(579)	162	(416)	150	(266)	(156)	(422)	(99)	(521)
Waste Contract Implementation	Money set aside towards the procurement and mobilisation of the new Waste contract.	Bi-annually by the Strategic and Resources Committee at budget setting and final accounts approval stages	(15)	0	(15)	0	(15)	0	(15)	0	(15)
Total Earmarked Reserves			(9,518)	260	(9,258)	332	(8,926)	(428)	(9,354)	(519)	(9,872)
			-9,517.54		-9,257.87		-8,925.68		-9,353.81		-9,872.45

Section 151 Officer's statement on robustness of budgets and adequacy of reserves

Introduction

The Section 151 Officer (S151 of the Local Government Act 1972) is required to make a statement on the adequacy of reserves and the robustness of the budget. This is a statutory duty under section 25 of the 2003 Local Government Act which states the following:

- (1) Where an authority to which section 32 or 43 of the Local Government Finance Act 1992 (billing or major precepting authority) or section 85 of the Greater London Authority Act 1999 (c.29) (Great London Authority) applies is making calculations in accordance with that section, the chief finance officer of the authority must report to it on the following matters-*
 - (a) The robustness of the estimates made for the purposes of the calculations, and*
 - (b) The adequacy of the proposed financial reserves.*
- (2) An authority to which a report under this section is made shall have regard to the report when making decisions about the calculations in connection with which it is made.*

This includes reporting and taking into account:

- The key assumptions in the proposed budget and to give a view on the robustness of those assumptions.
- The key risk areas in the budget and to assess the adequacy of the Council's reserves when reviewing the potential financial impact of these risk areas on the finances of the Council.

This report has to be considered and approved by Council as part of the budget approval and Council Tax setting process.

Assurance Statement of the Council's Section 151 Officer

The following are the summary assurances and recommendations of the Council's Section 151 Officer.

In relation to the 2025/26 budget, I have examined the proposals and believe that, while the spending and service delivery plans are challenging, they are achievable with strong political and management commitment, effective management, and thorough monitoring of performance and budgets. I am confident that the Council has sufficient management processes in place to deliver this budget and to address any unexpected issues that may arise during the year.

1. My assurance is conditional upon:

- The agreement of a Medium-Term Financial Strategy for 2025/26 to 2028/29.
- Recognising the inherent risk of volatility in the Council's major demand-led contracts, such as Waste and Leisure. Notably, the new leisure contract and its agreed management fee require close monitoring. Additionally, there are significant risks related to income levels and costs from waste services, due to the introduction of Extended Producer Responsibility (EPR) regulations and broader economic uncertainty.
- Inflation remained higher than forecast during 2024/25, and while it is expected to decrease in 2025/26, high levels are still embedded in the economy. Assumptions about future inflation levels have been made based on advice from the Council's Treasury Advisors, but rates remain uncertain and will impact the Council's costs and income. The staff pay award for 2024/25 was agreed at 2.5%, and this rate has been used for 2025/26.
- Recognising that the level of reserves and corporate risk assessment need to be regularly reviewed amid changing circumstances. The Council must demonstrate a commitment to maintaining reserves at a level that provides adequate cover for most identified risks during the planning period. This pragmatic approach reflects a clear commitment to prudent financial planning.
- Councillors, Directors, Service Managers, and Budget Holders are responsible for managing their services by carefully scrutinising spending decisions. They must adhere to the financial controls and checks outlined in the Council's Financial Regulations, Contract Standing Orders, and delegations, ensuring that spending remains within budget.
- That the Council has arrangements and resources in place to consider value for money, in preparation for future years' budgets.

2. There remains a high degree of uncertainty around income from Business Rates. While an external consultant has provided assurance on the budgeted figures, the income could still vary due to several factors, including the impact of appeals, the effects of continuing participation in the Essex Business Rates Pool, and any future changes in how the government adjusts the Business Rates baseline as part of a review of local government funding. These risks are managed through

the Business Rates Appeals Provision and the Council Tax and Business Rates Equalisation Reserve, which help mitigate volatility. Therefore, the risk of needing to draw on General Balances to manage this risk is considered low.

3. Regarding the adequacy of reserves, the overall position is that the authority has sufficient balances in the General Fund reserve to cover the period up to 2028/29, based on current Medium-Term Financial Strategy (MTFS) projections. The policy on reserves and the use of balances is reviewed and agreed annually as part of the MTFS.
4. Regarding the funding of the Capital Programme for 2025/26 – 2028/29, current balances are sufficient. However, there is a risk that capital reserves may be inadequate to fund future capital expenditure requirements. Consequently, borrowing may be necessary to finance future capital plans. This would have a revenue impact due to the need to make Minimum Revenue Provision and to cover interest costs, so it must be carefully considered to ensure affordability.

Level of Reserves

The Local Authority Accounting Panel (LAAP) Bulletin 99) sets out the following categories of budget assumptions that Councils should consider when assessing the adequacy of their reserves.

Budget Assumptions	Financial standing and management assessment/impact
The treatment of inflation and interest rates	<p>The Council's main exposure is to changes in pay inflation and cost increases on major contracts, such as the waste and leisure contracts, as detailed in the expenditure breakdown below.</p> <p>Investment income is projected to decrease in 2025/26 due to lower interest rates. There is a risk that rates may be lower than budgeted, so a 25% reduction in income against the £0.664m budget should be accounted for in the Minimum General Balance levels at £166k.</p>
Estimates of the level and timing of capital receipts	<p>The capital programme is currently anticipated to be funded from within existing capital receipts. However, the Council has approved the use of internal borrowing (reserves) to fund the investment in Waste vehicles and leisure estate. The revenue implications are accounted for in the MTFS.</p>
The treatment of demand-led pressures	<p>The pandemic saw an increase in house waste and recycling. Services have adjusted to this, and further significant increases are deemed low risk.</p> <p>Due to a variety of factors, support for housing from the Council is increasing. This has been contained within existing grant funding to date but there is a risk this demand will increase further in 2025/26.</p>

APPENDIX 5

Budget Assumptions	Financial standing and management assessment/impact
The treatment of planned efficiency savings / productivity gains	The savings proposed are achievable but will need to be monitored closely during 2025/26 to ensure they remain deliverable.
The financial risks inherent in any significant new funding partnerships, major outsourcing arrangements or major capital developments	The leisure contract was agreed in 2024/25. The proposed contract states the provider will pay a management fee each year, regardless of activity levels. The Council will initially fund the investment in the leisure estate of £5.71m over two years. The management fee payable will reimburse the Council for the cost of capital and any lost investment income. Therefore, reserve balances will be replenished by the end of the MTFS.
The availability of reserves, government grants and other funds to deal with major contingencies and the adequacy of provisions	<p>The Council takes a low-risk approach to insurance and does not seek to self-insure through reserves or other means.</p> <p>There is a budget for unexpected emergency planning events and the Council would take advantage of the Bellwin scheme for financial assistance in exceptional emergency circumstances.</p> <p>The council retains a provision for Business Rates appeals which is regularly reviewed by external advisors to ensure it remains adequate.</p> <p>There is an unbudgeted expenditure associated with the risk of successful planning appeals.</p>
The general financial climate to which the authority is subject	<p>Figures from the Local Government Finance Settlement have been incorporated into the budget. As it is a one-year settlement there is uncertainty for future years although the risk of future settlements being significantly lower than budgeted is assumed low, and therefore overall funding from central government is assumed to be flat in future years</p> <p>The high level of inflation is taken into account as far as possible within the budget, as well as potential impacts on collection rates and the business rates equalisation reserve, which also provides for fluctuations in income.</p>

Risk should also be considered in terms of the Council's largest areas of expenditure and income:

Expenditure	£000	% of Gross Exp.	Risk Analysis
Employee Costs	11,826	52%	The 2024/25 pay award was 2.5%, and the same increase is assumed for 2025/26 due to decreasing inflation. However, there are risks

APPENDIX 5

Expenditure	£000	% of Gross Exp.	Risk Analysis
			<p>in staying within the budget for 2025/26, particularly in areas like planning and finance that rely on costly agency staff. Additionally, growing service demands may require more staff.</p> <p>Despite these risks, no extra provision for employee costs is included in the Minimum General Fund Balance. The Corporate Leadership Team is committed to keeping costs within budget, a goal they have successfully met in previous years. This situation will be monitored throughout 2025/26.</p>
Non Employees Costs	10,627	48%	<p>Provision has been made for inflationary increases across non-employee expenditure, including on major contracts. Inflation is now expected to fall next year; however there remains a wider risk of uncontrollable demand pressures being higher than anticipated e.g. for waste and housing services such as Temporary Accommodation.</p> <p>There is also a more general risk of unforeseen costs pressures arising in any given year; therefore to provide a contingency against this it is deemed prudent to allow a 20% cushion for non-employee costs within the Minimum General Balances of just over £2m.</p>
Total	22,453	100%	

Income	£000	% of Gross Inc	Risk Analysis
Refuse & Recycling	2,797	32%	Tonnage and prices can vary the income that is received by the Council. An additional £140k was included in the budget as prices for recycling increased to manage risk this figure should be available in reserves if prices change unexpectedly.
Car Parking	1,523	18%	The fees and charges have increased by 5%. There is a risk that increased prices could result in lower demand meaning the assumed budget for fees and charges is not achieved.
Development & Building Control	1,091	13%	Demand for planning services remains strong; however, there is a risk that increased prices could reduce demand meaning the uplift assumed in the budget for fees and charges is not achieved.
Property Rent and Leases	477	5%	The Council's property profile has remained robust however it would be prudent to provide a 10% allowance of £47k to reflect the risk of voids given current market conditions.
Attractions	145	2%	There remains risk from uncontrollable factors such as the weather as well as demand slowing due to the cost-of-living crisis.
Total	6,033	69%	

It is prudent to account for the risks of recycling income volatility and property rental/lease voids. Additionally, a 5% contingency on the total Fees & Charges budget, amounting to £173k, should be included to cover potential lower-than-expected demand for discretionary services in 2025/26. This contingency should apply across the total fees and charges budgets, including car parking, planning services, and attractions income.

Breakdown of the Proposed Minimum General Fund Balance Requirement

Risk Area	£000
Non-Employee Expenditure @20% of total	2,125
Recycling Income – additional amount added in 2024/25	140
Rents and Leases Income @10% of total	47
Reduction in Interest rates @25% of total investment income	166
Reduction in fees and charges @ 5% of total income	173
Total	2,651

Based on the risks it is recommended the minimum general fund level remains at £2.6m. This represents 20% of total 2025/26 net service expenditure.

Assurance

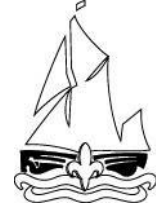
Given this context, as the Council's Section 151 Officer, I am content that the budget estimates for 2025/26, which have been presented for approval, are sufficient and robust enough to support the delivery of the strategic objectives of Maldon District Council. I, therefore, recommend this budget for Council approval.

I can also confirm that the levels of reserve balance are sufficient to cover expenditure and risks over the Medium-Term Financial Strategy (MTFS) period.

However, I must note that the budget is challenging and emphasise the importance of careful monitoring of the budget and reserves. Strong governance and internal controls are essential to ensure that budgets are managed sustainably, and new spending plans are assessed to be prudent and sustainable and consistent with the Corporate Plan.

Ben Cookson, Interim Chief Finance Officer (Section 151 Officer)

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**REPORT of
INTERIM CHIEF FINANCIAL OFFICER**

to
COUNCIL
13 FEBRUARY 2025

MEDIUM-TERM FINANCIAL STRATEGY 2025/26 TO 2028/29

1. PURPOSE OF THE REPORT

- 1.1 To present Members with the revised Medium-Term Financial Strategy (MTFS) for 2025/26 to 2028/29.

2. RECOMMENDATION

That the revised Medium-Term Financial Strategy (MTFS) for 2025/26 to 2028/29 (**APPENDIX 1**), as recommended by the Strategy and Resources Committee (and any subsequent necessary adjustments), is approved.

3. SUMMARY OF KEY ISSUES

- 3.1 The Medium-Term Financial Strategy (MTFS) outlines the Council's approach to managing revenue finances from 2025/26 to 2028/29. As a core strategic document, the MTFS is a financial plan to deliver:

- **Financial Stability:** It helps ensure the Council's financial stability and resilience by providing a framework for managing resources and planning for future financial challenges.
- **Strategic Planning:** Supports the Council's strategic decision-making by aligning financial resources with organisational goals and priorities.
- **Risk Management:** Identifies potential financial risks and outlines strategies to mitigate them.

- 3.2 Several factors can impact the delivery of the MTFS for a district council like Maldon and therefore must be considered when producing the MTFS:

3.2.1 Economic Factors:

- Economic Conditions: Changes in the national and local economy, such as inflation rates, interest rates, and economic growth, demographics and demand can affect revenue streams and expenditure.
- Funding Settlements: Variations in government funding, including grants and settlements, can significantly impact financial planning.

3.2.2 Policy and Legislative Changes:

- Government Policies: New policies or changes in existing policies can alter decision making criteria, funding allocations and priorities.
- Legislation: Changes in legislation, such as those related to business rates or council tax, can affect income and expenditure.

3.2.3 Demographic Changes:

- Population Growth: Increases in population can lead to higher demand for services, impacting budget allocations.
- Aging Population: An aging population may require more spending on health and social care and require additional support services.

3.2.4 Local Factors:

- Local Economic Development: Economic development initiatives within the district can influence income from business rates and other local revenues.
- Housing Market: Changes in the housing market can affect council tax revenues and demand for housing services.

3.2.5 Internal Factors:

- Financial Management: Effective treasury management and investments and financial management and control are crucial for the successful delivery of the MTFS.
- Resource Allocation: Efficient allocation and use of resources can help achieve strategic objectives and improve service delivery.

3.2.6 Risk Management:

- Identifying Risks: Recognising potential financial risks and developing strategies to mitigate them is essential for maintaining financial stability.
- Contingency Planning: Having contingency plans in place to address unforeseen circumstances can help ensure the MTFS remains on track.

3.3 These factors highlight the complexity of delivering an MTFS and the need for careful planning and adaptability to changing conditions. Within this context, certain assumptions must be made to establish a financial framework within which strategic plans are developed. Where appropriate, external professional advice is sought to ensure the most accurate assumptions are used.

3.4 However, as levels of uncertainty persists regarding the economic outlook and its impact on the Council's finances, particularly concerning Council Tax and Business Rates income the MTFS will be constantly monitored and reviewed through the council's budget monitoring process throughout the year.

3.5 The MTFS has been developed in collaboration with budget managers and assistant directors. Comprehensive financial assessments have been conducted to identify potential risks and opportunities, ensuring that the financial strategy is well-informed, sustainable, resilient, and aligned with the operational realities and strategic objectives of the Council.

4. MEDIUM TERM FINANCIAL STRATEGY 2025/26 TO 2028/29

4.1 The budget forecast for 2024/25 is £12.931m, which provides the starting point for calculations necessary to determine the 2025/26 budget. Temporary in-year budget adjustments in 2024/25 are reversed out in 2025/26. Where increased costs pressures and growth has been identified this is added for salary increases, inflationary uplifts, strategic priorities, and government-induced pressures.

- 4.2 Increases in Fees and Charges, along with savings are added to the budget, with the resulting net Cost of Services equal to £13.080m in 2025/26. This is funded from government grants, Council tax and Business Rates, which total £12.344m, and investment interest income of £0.664m. An additional corporate contribution of £0.120m is made to the tri-annual pension payment, resulting in a net budget gap of £0.196m. It is proposed to use the earmarked leisure contract smoothing reserve to fund £0.072m, with the remaining £0.120m to be funded from the General Fund reserve to enable the Council to set a balanced budget.
- 4.3 Forecast assumptions are included to develop a 4-year forecast, within which service plans and organisational priorities must be delivered. However, it is important to note that the budget deficit is projected to increase each year, putting additional pressure on the council's reserves.
- 4.4 However, the recent approval of the leisure contract is forecast to provide sufficient revenue income to supplement the budget in future years and provide surplus funds to replenish the General Fund reserve. However, this is anticipated to take place in 2029/30, which is beyond the scope of the MTFs. Furthermore, the UK Government has announced a multi-year settlement from 2026/27, providing much-needed certainty regarding government funding in future years.
- 4.5 Also, with Local Government Reform being a serious consideration within the next 4-years the council will have to consider how that may affect future budgets. The Council will continue to maintain a responsible and prudent approach to planning expenditure to ensure that when Local Government reform is fully determined, the Council continues to be in a financially stable and resilient position.

Table 1 – MTFs Summary:

	2025/26	2026/27	2027/28	2028/29
	£000s	£000s	£000s	£000s
Revised Budget from Prior Year	12,931.44	13,080.25	13,683.43	14,194.77
Virement Reversals	-742.28	0.00	0.00	0.00
Increase in Salaries	518.60	352.50	379.86	389.36
Contractual Inflationary increases (incl. Waste)	229.00	242.26	253.44	265.16
Fees & Charges	-129.00	-119.57	-121.97	-124.40
Prior Year Delivered Savings	-190.52	0.00	0.00	0.00
New Savings	-503.94	0.00	0.00	0.00
New Growth	442.27	0.00	0.00	0.00
New Pressures and increased demand	835.80	0.00	0.00	0.00
Reserve Funded Growth	206.31	-206.31	0.00	0.00
Earmarked Reserve Funding	-439.31	334.31	0.00	0.00
Other (various adjustments)	-78.12	0.00	0.00	0.00
Net Cost of Services	13,080.25	13,683.43	14,194.77	14,724.88
Investment Income	-663.53	-586.76	-547.06	-472.06
Contribution to Pension Payment	120.00	120.00	120.00	120.00
Total Funding	-12,344.38	-12,558.24	-12,294.15	-12,626.49
Budget (Surplus) / Deficit	192.34	658.43	1,473.56	1,746.33

5. RISKS TO THE MTFS

- 5.1 Risks to the Council's financial position could potentially arise from several factors, including unplanned budget overspends, lower than expected income from fees and charges and investment income, contractual or legislative failure, a shortfall in forecast business rates growth or challenges, and emergency events. Historically, the Council's outturn has been within budget; however, robust budget management, monitoring, and reporting will be key disciplines for all budget managers. Ensuring that savings and income included within the budget are achieved will remain an essential focus.
- 5.2 The level of risk posed by contractual or legislative failure and emergency events is difficult to predict, but General Balances are held to mitigate against this possibility. Financial bonds and Parent Company Guarantees are built into large contracts where appropriate.
- 5.3 It is important to recognise that under the Business Rates Retention scheme, there is considerable uncertainty in the forecast for business rates growth, as much of it depends on external factors, including the impact of successful appeals. The Council's own economic development policies can influence business rates growth, making it essential for planning services, economic development services, and the business rates service to have a coordinated approach to inward investment policies.
- 5.4 The current cost of living crisis could affect households' and businesses' ability to pay Council Tax and business rates, respectively. This places a risk on local taxation collection rates. Although business rates and Council Tax collection rates are currently holding steady, the closure of a local taxi firm has resulted in a £10k annual loss. The Council should remain vigilant regarding the ongoing cost of living crisis and elevated inflation levels.
- 5.5 Major contracts, such as Waste and Leisure, are also impacted by the wider economic climate. The new Extended Producer Responsibility (EPR) regulations have increased costs for the waste service, but this is offset by special EPR grant funding. The financial impact of these regulations will need to be closely monitored over the MTFS period. The new Waste contract, which began in February 2024, will need to bed in, with income driven by recycling tonnage and prices, which are volatile. Therefore, income assumed in the MTFS for this contract is based on best-known estimates.
- 5.6 The recent approval of the new leisure contract is forecast to provide a management fee over the next 20 years, offering an additional source of commercial revenue. However, the Council is funding the investment into the leisure estate, which will be repaid as part of the annual management fee. The finances of this agreement and the ongoing performance of the leisure contract will be closely monitored to ensure it meets the performance metrics set out in the investment bid. Measures will be built into the contract to ensure performance is monitored and the Council has control over under-performance.
- 5.7 Government core funding has not increased, and with local government reform planned within the next four years, the future remains uncertain for Maldon District Council. However, the Council's finances, including reserve levels remain sustainable and resilient. The Council maintains an excess of the minimum of £2.6m in reserves to manage any financial shocks and emergency events.

5.8 The increase in employer National Insurance contributions is an additional pressure, although the UK Government has stated it will support councils with this cost. However, the mechanism for funding remains unclear at present.

6. GENERAL FUND RESERVE

6.1 The General Fund reserve is a non-specific revenue reserve, which holds accumulated balances from the annual performance of the budget. It can be used to supplement the budget, or specific earmarked reserves can be created for specific purposes. The General Fund reserve can also be used to contribute to the Council's capital programme.

6.2 As shown in Table 2 below, the General Fund reserve is being used to fund the investment in the leisure contract (£4.0m in 2025/26 and £1.0m in 2026/27), which will be repaid by the contractor through the management fee. The General Fund reserve also supports the annual £120k contribution to the pension reserve.

6.3 Earmarked reserves are specific reserves, created for a strategic purpose, or for a contingency to manage unexpected expenditure and economic shocks. A detailed breakdown is available in **APPENDIX 1**.

Table 2 – Projected MTFs General Fund Balance

	2025/26	2026/27	2027/28	2028/29
	£000s	£000s	£000s	£000s
Opening General Fund Reserve Balance	-8,060.57	-7,412.00	-6,525.70	-4,785.50
Planned Reserve Movements	528.57	642.00	677.68	687.32
Projected Contribution to General Fund	120.00	244.29	1,062.52	1,341.14
Closing General Fund Reserve Balance	-7,412.00	-6,525.70	-4,785.50	-2,757.04
Total Earmarked Reserves	-9,074.84	-8,723.24	-8,382.27	-8,697.18
Total Useable Reserves	-16,486.84	-15,248.94	-13,167.77	-11,454.22

6.4 The projections in **Table 2** highlight that the General Fund reserve will be used in full by the start of 2028/29, if no other actions are implemented. However, it is important to note that overall reserve balances are maintained at sufficient levels. A minimum of £2.6m in the General Fund is required, therefore £8.65m in 2028/29 is sufficient.

6.5 For clarity, income from the leisure contract management fee is currently planned to accumulate in an earmarked leisure reserve, not the General Fund reserve. The Council has full discretion to move any reserve balances and it is very likely that before the General fund reserve is used in full, a transfer of reserves will be recommended to Council to ensure General Fund reserve balances are held at the minimum level. This is anticipated to take place in 2028/29.

6.6 A full strategic review of reserve balances is planned before the end of 2024/25 and an update will be provided to Members.

6.7 It must be emphasised that if the council does nothing to manage the MTFs then the current MTFs projections will be unsustainable. This is based on the assumptions used to determine the MTFs, which can and often do change. Government funding is often adapted to changing economic conditions. Additionally, the government will provide all councils with a multi-year settlement in 2026/27, providing councils with much needed certainty around funding.

- 6.8 With that context, the figures in **Table 1** are based on a 'do nothing' scenario. Therefore, it is prudent to state that actions will be required to address the increasing budget gaps in the future and develop a sustainability plan. Actions continue to include:
- (i) Closer working with partners - to address resilience and improve efficiency,
 - (ii) Commercial activity - projects are underway but more certainly on income levels is required to include more in the budget,
 - (iii) Service standards review - to ensure value for money.

7. CONCLUSION

- 7.1 Medium-Term Financial Planning is a key component of the Council's strategic planning framework. The current economic climate remains uncertain due to the cost-of-living crisis, elevated inflation levels, and global events. Despite these challenges, the Council's finances, including reserve levels, are robust enough to buffer any financial shocks.
- 7.2 Key financial decisions need to be set in the context of a Corporate Plan that strategically links service and financial planning. The recent approval of the new leisure contract and the anticipated revenue from it, along with the multi-year government funding settlement starting from 2026/27 should help to provide a degree of financial stability and opportunity for the Council.
- 7.3 The Council will continue to adopt a prudent approach to financial forecasting and budget management, ensuring that assumptions are regularly reviewed and updated. Collaboration with budget managers and assistant directors will remain crucial in developing a comprehensive and resilient financial strategy.
- 7.4 With local government reform on the horizon, the Council will maintain a responsible and adaptable approach to planning expenditure. This will ensure that when reforms are fully determined, the Council will continue to be in a financially stable and resilient position while continuing to meet its strategic priorities efficiently.

8. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

8.1 Growing Our Economy

- 8.1.1 As detailed in this report.

9. IMPLICATIONS

- (i) **Impact on Customers** – None arising directly from this report.
- (ii) **Impact on Equalities** – None arising directly from this report.
- (iii) **Impact on Risk (including Fraud implications)** – The risks to the Council in respect of the available forecast resource envelope over the medium term are discussed at **APPENDIX 1**.
- (iv) **Impact on Resources (financial)** – The financial implications are set out in this report.

- (v) **Impact on Resources (human)** – Provision has been made for expected future increases in pay awards.

Background Papers:

Budgetary Control report to the Strategy and Resources Committee, 21 November 2024,
Discretionary Fees and Charges report to the Strategy and Resources Committee, 21
November 2024.

Enquiries to: Ben Cookson, Interim Chief Finance Officer (S151)

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MALDON DISTRICT COUNCIL
MEDIUM TERM FINANCIAL STRATEGY

2025/26 TO 2028/29

(FEBRUARY 2025)



Contents

1.	INTRODUCTION	2
2.	OBJECTIVES	3
3.	LOCAL CONTEXT	3
4.	CORPORATE PLAN	3
5.	ECONOMIC OUTLOOK	4
6.	GENERAL FUND REVENUE BUDGET	5
	Financial Context	5
	Risks and Opportunities	5
	Demographic	6
	External Income	6
	Inflation	6
	Service Demand	7
	2025/26 Local Government Finance Settlement (LGFS)	7
	New Homes Bonus Scheme	8
	Pension.....	9
	Universal Credit	10
	Land Charges (transfer of responsibility to Land Registry)	10
	Budget Scrutiny Process.....	10
7.	RISK MANAGEMENT	11
8.	COUNCIL TAX	11
	Council Tax.....	11
	Tax base for Council tax setting	12
9.	VALUE FOR MONEY AND EFFICIENCY.....	12
10.	INCOME GENERATION.....	12
	Forecasting Income	12
	Policy on Fees and Charges	12
	Income and Debt Management.....	13
11.	USE OF RESERVES	13
12.	CAPITAL	14
13.	TREASURY MANAGEMENT	15
14.	EQUALITY IMPACT ASSESSMENTS (EIA)	15
15.	CONCLUSION.....	16
	LIST OF APPENDICES	16
	Appendix A - Medium Term Financial Strategy 2025/26 – 2027/28.....	17
	Appendix B – Capital Programme & Capital Receipts Reserve 2025/26	18
	Appendix C – Policy on Reserves and Balances 2025/26	21

1. INTRODUCTION

- 1.1 Medium term financial planning is an important component of the Council's strategic planning framework. Key financial decisions need to be set in the context of a plan that looks beyond the current financial year. Forward planning offers the opportunity to link service and financial planning, as decisions taken on an annual basis are limited in what they can achieve.
- 1.2 The Medium-Term Financial Strategy (MTFS) provides the foundation against which the Council will strive to deliver the best possible value for money in the provision of efficient and cost-effective services across the district. Through the effective development and delivery of the Council's financial and other resource strategies it seeks to build upon past achievements as well as provide clear direction to the attainment of the Council's longer-term goals.
- 1.3 The medium-term financial planning process is an established part of the budget setting and financial review processes. It sets out a forecast of the cost of continuing provision of existing levels of service and the resources that are likely to be available to the Council over the period. It identifies any shortfalls and sets out how this will be managed.
- 1.4 This document is reviewed at least annually; regular review and update is essential to ensure the MTFS takes full account of any changes in the Council's aspirations, strategic and service delivery priorities, changes in government legislation, financial regulation and funding streams and the general socio/economic environment that the Council operates in.
- 1.5 This MTFS reviews how the Council will manage its revenue finances, capital programme and reserve balances up to the 2028/29 financial year. The MTFS supports the delivery of the five priorities as set out in the Council's Corporate Plan 2025-28.
- 1.6 Underpinning the Corporate Plan are the individual service plans and several other key strategies and plans, as set out below. In each case, these describe in detail how the Council will achieve its objectives and the relevant milestones outlined in the Corporate Plan.
- Information Technology Strategy
 - Cust Service Strategy
 - Workforce Development Strategy
 - Procurement Strategy
 - Risk Management Strategy
 - Treasury Management Strategy
 - Investment Strategy
 - Capital & Investment Strategy
 - Commercial Strategy
- 1.7 The base position for this MTFS is the current 2024 / 25 budget. The development of the 2025 / 26 budget took place within the context of a longer term strategic and resource planning process. It took account of the latest settlement data and the uncertain economic climate.

2. OBJECTIVES

2.1 The objectives of this revised Medium-Term Financial Strategy are:

- To ensure outcomes and priorities identified in the Corporate Plan inform the MTFS including importance, timing, and financial implications.
- To provide updated projections of spending, including spending pressures and income; and set expectations on council tax increases, over the next four years.
- To provide projections for our investment in assets and its impact on general day to day revenue spending
- To test sensitivity of, and apply risk analysis, to projections.
- To provide a framework for consultation with the public and partners about our service priorities and resources allocated to them.

3. LOCAL CONTEXT

3.1 The Maldon District covers some 138 square miles and has a resident population of some 66,200 (2021 UK Census). With one of the lowest population densities in Essex, the District offers a wide range of residential properties, from period country cottages to brand new executive homes.

3.2 Maldon is an attractive and predominantly rural district. It retains an unspoilt nature and its own special character, forged largely by the principal waterways of the Blackwater and Crouch estuaries. Much of the District's 60 miles of coastline of tidal salt marshes and mudflats is recognised as of international and national environmental significance and protected as such.

3.3 There is c.3,500 businesses in Maldon. 90.4% are micro businesses. 8.3% are small businesses. 1.2% are medium businesses. 0.1% are large businesses. The biggest industry employers in Maldon are wholesale and retail trade.

3.4 81.0% of the people in Maldon are in employment. There are more males in employment. The definition of employment is being employed or self-employed and aged 16 to 64. The unemployment rate in Maldon is 2.3%. The definition of unemployment is being economically active but unemployed. The average unemployment rate nationally is 3.8%.

3.5 The average property price in Maldon is £374,311. The national average property price is £294,910. Average property prices by type in Maldon: £634,114 for detached houses. £390,768 for semi-detached houses. £291,665 for terrace houses. £180,698 for flats.

4. CORPORATE PLAN

4.1 The Corporate Plan for Maldon District Council sets out the Council's overall vision for the district:

"To be a sustainable council, promoting the district and all that it has to offer. To support our communities through excellent partnership working and to maintain and improve quality of life."

4.2 The Corporate Plan consists of five key priorities for the Council:

1. Supporting our communities
2. Investing in our district
3. Growing our economy
4. Protecting our environment
5. Delivering good quality services

4.3 Through the Corporate Plan, the Council is committed to running a local authority that puts residents first, is a great place to work, delivering good quality services whilst working in partnership to support communities. To deliver this plan, we will build on good practice and continue to:

- Listen to the needs of our residents
- Make best use of resources
- Adopt modern ways of working
- Use digital tools to be more efficient
- Deliver commercial projects that benefit the district
- Get the most out of working with our local partner organisations and agencies
- As a smaller local authority in the county, we will lobby for infrastructure and investment
- Bid for funding from government and funding bodies
- Promote the district and the good work we do
- We will champion equality, diversity, and inclusion.

4.4 The Council's greatest asset is its employees, and we must have committed, skilled and empowered employees to provide the best possible service standards to the residents of the district. The Council continues to keep its structure under review to ensure it is fit for purpose and able to deliver its priorities.

5. ECONOMIC OUTLOOK

5.1 The British Chambers of Commerce (BCC) Quarterly Economic Forecast (QEF) for Q4 2024 shows improved growth figures compared to the previous MTFS (Q4 2023). Table 1 below shows the comparison.

5.2 GDP growth is projected at 0.8% for 2024, which is a reduction from the Q3 forecast of 1.1%. However, growth expectations for the following two years have been revised upwards, with 1.3% anticipated in 2025 and 1.5% in 2026, surpassing the previous Q3 forecast of 1.0% and 1.1%.

5.3 Increased government spending is likely to boost GDP, as detailed above. However, business investment and trade are likely to suffer in 2025 – through the impact of the national insurance rise and major global uncertainties.

5.4 **Table 1 – Economic Growth:**

Year	Economic Growth (GDP)	
	British Chamber of Commerce (December 2023)	British Chamber of Commerce (December 2024)
2024	0.6%	0.8%
2025	0.4%	1.3%
2026	0.6%	1.5%

5.5 The Consumer Price Index (CPI) is forecasted to stay above the Bank of England's target until the end of 2026, reaching 2.2% in Q4 2025 and 2% in Q4 2026. This is due to rising business costs and geopolitical risks. Despite this, the Bank of England is expected to maintain interest rates at 4.0% by the end of 2025 and 3.50% in 2026, consistent with previous forecasts.

5.6 **Table 2 – CPI Inflation**

Year	CPI (% change)	
	British Chamber of Commerce (December 2023)	British Chamber of Commerce (December 2024)
2024	4.6%	2.6%
2025	3.1%	2.2%
2026	1.9%	2.0%

5.7 The BCC forecasts mild economic growth for the UK over the next two years, with inflation expected to drop to 2% by the end of 2026. The Council's major contracts are tied to CPI and RPI, so contractual inflation is likely to increase the Council's costs in the medium-term based on these forecasts.

5.8 The BCC is forecasting the Bank of England will continue with a cautionary approach to further interest rate cuts, as some inflationary pressures persist. The forecast expects the base rate to be 4% by the end of 2025 falling to 3.50% by the end of 2026.

6. GENERAL FUND REVENUE BUDGET

Financial Context

6.1 The development of the previous Medium-Term Financial Strategy (MTFS) occurred during a very challenging period for Local Government. This was due to the ongoing cost-of-living crisis and high inflation caused by global events like COVID-19 and the War in Ukraine. Many Councils issued Section 114 notices, indicating they no longer had sufficient resources to fund their statutory services.

6.2 This MTFS for the period 2025/26 to 2028/29 remains challenging, as Government funding levels do not match the increasing cost of services. Although the Council's reserves are forecasted to cover the funding gap over this period, this financial situation is not sustainable in the long term.

Risks and Opportunities

6.3 This section highlights the risks and opportunities facing the Council in the medium-term.

- Demographic
- External Income
- Inflation
- Service Demand

Demographic

6.4 Demographic factors influence the Council's planning in several ways:

- Household Changes: Variations in the number of households impact the Council Tax base and the total revenue generated.
- Population and Household Characteristics: help to determine the specific needs and types of services the Council should provide.
- Service Demand: All these factors collectively influence the demand for and usage of Council services.

External Income

6.5 The Council's income from external sources, such as waste, planning, leisure, and car parking, is subject to fluctuations due to macro-economic and seasonal conditions beyond the Council's control.

6.6 Investment income from cash balances has historically been a significant revenue stream for the Council. High interest rates have increased this income over the past year, generating £1.2m in 2024/25. However, due to capital investment in the leisure estate and purchase of new waste vehicles, average invested balances have reduced. With an additional forecast decrease in interest rates, income is set to reduce further to £0.664m. A 0.5% change in the actual interest rate received equates to approximately £80k loss in income, though actual earnings depend on the level of free cash flow throughout the year.

6.7 The Council aims to maximise income from existing and new fees and charges, which are generally linked to inflation rates.

Inflation

6.8 The Council's financial planning for the period 2025/26 to 2028/29 reflects various inflationary pressures and adjustments across different expenditure categories.

6.9 Salaries: The budget for salaries includes a steady 2.50% annual increase from 2025/26 onwards. This adjustment accounts for anticipated pay inflation and cost-of-living increases. A 1.0% change in the pay award would represent a £0.120m impact on the General Fund budget.

6.10 Waste: The waste management budget saw a 7.40% increase in 2024/25. From 2025/26 onwards, a consistent 4.90% annual increase is projected, reflecting contractual obligations and service demands.

6.11 Other Costs: Other costs rose by 7.40% in 2024/25 but are expected to stabilise at a 2.20% annual increase from 2025/26 onwards, reflecting general inflationary trends.

6.12 Overall, the Council's budget planning incorporates significant initial increases in key areas such as utilities and fuel in 2025/26, followed by more moderate and stable

growth rates in subsequent years. This approach aims to address immediate economic challenges while ensuring long-term financial sustainability.

Service Demand

- 6.13 In the current economic climate, the pressure on the Council to deliver services within a constrained financial base remains high compared to historic levels. Central Government mandates require local authorities to play a significant role in revitalising the local economy, while also bearing a substantial portion of the government's austerity measures through reduced funding.
- 6.14 Increases in service demand, coupled with the loss of external income, will restrict the Council's ability to make overall cost reductions.
- 6.15 For a district council like Maldon, rising service demand can significantly impact financial planning and resource allocation. An aging population may increase the need for health and social care services, while overall population growth can strain existing infrastructure and services.
- 6.16 Additionally, higher expectations from residents for quality services can further pressure the Council's resources. These factors collectively contribute to the rising demand for services, making it increasingly difficult for the Council to manage costs effectively and maintain service quality.

2025/26 Local Government Finance Settlement (LGFS)

- 6.17 The provisional Local Government Financial Settlement (LGFS) for 2025/26 was announced by the government on December 18, 2024. The current Medium-Term Financial Strategy (MTFS) is based on these provisional funding amounts.
- 6.18 The final LGFS will be announced in February 2025, and the MTFS will be updated to reflect the final funding figures. It is anticipated any additional funding will be moved into reserves and any funding decrease will be a call on Council reserves.
- 6.19 As shown in **Table 3**, Maldon District Council has not received an increase in Core Spending Power (CSP). The final settlement in 2024/25 was £9.386m and the provisional settlement in 2025/26 is £9.387m.
- 6.20 Although some elements of the settlement received an inflationary increase, some grants were removed. The 'funding guarantee' was replaced by a 'funding floor'. With these balancing measures, the CSP has remained unchanged.
- 6.21 However, additional funding of £0.636m is guaranteed through the Extended Producer Responsibility (EPR) grant, which is separate to the LGFS. The funding from EPR is the primary funding increase the Council is expected to receive.
- 6.22 The net income forecast from Business Rates includes an inflationary increase. However, this figure is only an estimate until the National Non-Domestic Rates return (NDR1) is submitted in early February 2025.
- 6.23 The table below shows Maldon's provisional settlement for 2025/26.

6.24 Table 3 – Provisional LGFS 2025/26

Local Government Financial Settlement 2021/22 to 2025/26	2021-22	2022-23	2023-24	2024-25	2025-26
	FINAL	FINAL	FINAL	FINAL	PROV
	£m	£m	£m	£m	£m
Settlement Funding Assessment	1.532	1.533	1.670	1.731	1.760
of which:					
Revenue Support Grant	0.000	0.000	0.081	0.086	0.101
Baseline Funding Level	1.532	1.532	1.590	1.645	1.659
Year on Year Change		0.000	0.138	0.060	0.029
Year on Year Change (%)		0.02%	8.98%	3.60%	1.70%
<i>Tariff/Top-Up</i>	<i>-3.867</i>	<i>-3.867</i>	<i>-4.758</i>	<i>-4.699</i>	<i>-4.740</i>
Compensation for under-indexing the BR multiplier	0.080	0.157	0.271	0.337	0.355
Council tax requirement excluding parish precepts	5.177	5.421	5.664	5.947	6.204
New Homes Bonus	0.930	0.961	0.474	0.495	0.587
Rural Services Delivery Grant	0.032	0.032	0.036	0.042	0.000
Lower Tier Services Grant	0.065	0.070	0.000	0.000	0.000
Funding Guarantee	0.000	0.000	0.601	0.774	0.000
Services Grant	0.000	0.106	0.062	0.011	0.000
Domestic Abuse Safe Accommodation Grant	0.034	0.034	0.036	0.037	0.037
Funding Floor	0.000	0.000	0.000	0.000	0.443
Grants rolled in	0.091	0.094	0.013	0.013	0.000
Core Spending Power	7.942	8.408	8.828	9.386	9.387
Year on Year Change		0.466	0.420	0.558	0.000
Year on Year Change (%)		5.55%	4.76%	5.95%	0.01%
Change since 2015-16 (£ millions)					2.085
Change since 2015-16 (% change)					28.56%

New Homes Bonus Scheme

- 6.25 The New Homes Bonus Scheme (NHBS) was introduced in 2011/12 to encourage local authorities to facilitate housing growth. For every additional property built or brought back into use, the government match funds the additional council tax, with an additional amount for affordable homes, for the following six years. The grant is not ring-fenced and is split 80% to the lower tier and 20% to the upper tier.
- 6.26 Previous changes to the NHBS were the introduction of a baseline housing growth of 0.4% before NHBS would be payable and a reduction in duration of legacy payments from the six years to five years and to four years.
- 6.27 The government completed a consultation on the future of the NHB in 2021/22. The Council received its last legacy payments for previous years of £0.198m in 2022 / 23 and now only receives one off annual NHB payments. In the 2025/26 provisional LGFS, the government has announced a one-off NHB payment of £0.587m, which is an increase from the final award of £0.495m in 2024/25.
- 6.28 In 2021 / 22 the Council decided to support its 2021 / 22 to 2023 / 24 Local Development Scheme expenditure from the NHB. Therefore, there is no longer any NHBS reserve.

Pension

- 6.29 Maldon District Council employees are eligible to be members of the Local Government Pension Scheme (LGPS), for which the Government sets the terms and conditions nationally. This is a statutory condition of employment available to all local government employees. Essex County Council is the administering authority of the LGPS in Essex. In accordance with statutory requirements the Essex Pension Fund, of which this Council is a member, was actuarially valued as at 31 March 2022 as part of the triennial valuation cycle.
- 6.30 The 2022 Valuation showed a decrease in the Council's deficit position by 82% from £5.32m to £0.94m. This means that the funding level of the Council's element of the Fund increased from 90.2% in 2019 to 98.4% in 2022. Funding levels are taken as the ratio of assets to liabilities. In general, for the 2022 valuation, funding levels have increased due to:
- Salary increases being lower than expected
 - Investment returns have been better than expected
 - Deficit contributions paid by the Council to the Fund
- 6.31 The recovery period for the deficit was reduced from 12 years, set at the 2019 Valuation, to 9 years or less in the 2022 Valuation, depending on the individual circumstances of the Council.
- 6.32 The 2022 Valuation brought about an increase in the employer's ongoing contribution from 19.9% of pensionable pay to 20.9% of pensionable pay (up £78k). Whilst the recovery of deficits covers up to a date, an ongoing contribution rate is also needed to obtain the level of contributions required to meet the cost of new pension benefits and this is usually based on the same assumptions as are used for the deficit.
- 6.33 Automatic Enrolment has been established by the Government as a requirement for employers to provide a pension scheme for employees. The LGPS is a qualifying scheme for the purposes of Automatic Enrolment within the terms set out by the Pension Regulator.
- 6.34 The Pensions Act 2008 includes a duty on employers to automatically enrol their eligible jobholders into a workplace pension scheme that meets certain requirements and provide a minimum employer contribution. From early 2014, the Council must have:
- Enrolled any new employees into the qualifying approved scheme;
 - Enrolled any employees who are not a member of the scheme but reach the age of 22; and
 - Enrolled any employee who is passing the rate of salary to £10,000 per annum for the first time
- 6.35 It should be noted the employee can still choose to opt out of the scheme, but the Council must not mention any option of how to opt out of the scheme during enrolment as it could be seen as an inducement not to join the scheme and could expose the council to a fine from the Pensions Regulator.

Universal Credit

- 6.36 Universal Credit (UC) was rolled out through the Welfare Reform Bill and was the biggest shake up of the system for 60 years. UC is an integrated working-age credit that will provide a basic allowance with additional elements for children, disability, housing and caring. It will support people both in and out of work, replacing Working Tax Credit, Child Tax Credit, Housing Benefit, Income Support, income-based Jobseeker's Allowance and income-related Employment and Support Allowance. For local authorities, this means the link between Housing Benefit and Council Tax Support will be broken for working age customers and that UC will be administered by the Department of Work and Pensions.
- The digital roll out of Universal Credits for Maldon, using the newer software started in December 2018 for new claims only and migration to UC has been ongoing since.
 - The Council retains responsibility for Local Council Tax Support, as well as pensioner claims, and some working age claims, even after a full transfer of claims to UC. As such, the Council will retain 70-80% of pre-UC workload even after all qualifying claimants have been migrated to UC.
- 6.37 The transition to UC has had significant implications for local Council and its systems. There will continue to be a reduction in the Housing Benefit Administration Grant going forward, but this may not be proportional to the reduction in the workload or staffing. The financial impact of Universal Credits continues to be monitored on an ongoing basis.

Land Charges (transfer of responsibility to Land Registry)

- 6.38 The Infrastructure Act 2015 provided for the transfer of some of the Land Charges responsibilities from local authorities to the Land Registry. The implications for the Council are:
- Loss of local land charges income
 - Incurring on-going costs for the supply of standardised accurate information related to local land charges to Land Registry to keep the register updated.
 - Legal liability will rest with Local Authorities for any inaccurate information provided
 - Transfer requires digital and business transformation
 - Local authorities will continue to provide Con 29 searches
- 6.39 This project got underway during 2022 / 23 after Maldon District Council (MDC) made preparations by putting in a growth bid of £50,000 for 2021 / 22 to fund this. The local land charges income has now begun to fall, so this has reduced the overall increase in Fees and Charges forecast for the MTF5 period.
- 6.40 The financial implication on the land charges transfer continues to be monitored on an ongoing basis to ensure that budgets reflect latest income expected.

Budget Scrutiny Process

- 6.41 As part of the financial planning process, Members review information from officers about existing resources. Budget options are evaluated based on current service

performance and priorities. All growth, savings, and capital bids undergo a challenge process, including review by the Finance Working Group and recommendation by the Strategy & Resources Committee.

7. RISK MANAGEMENT

- 7.1 Risk management is integral to the Council's financial planning process.
- 7.2 The Council prioritises effective risk management, considering the assessment and minimisation of all risks as essential. It has an adopted Risk Management Strategy, and financial risks are evaluated within the Council's overall risk management framework.
- 7.3 To mitigate risks, the Council regularly monitors its budgets. The performance management system helps identify, monitor, and report on risks. Corporate risks, along with financial and non-financial performance, are reported at least quarterly to the Corporate Leadership Team and the Performance, Governance, and Audit Committee, as scheduled in the annual timetable.
- 7.4 In **Table 4** below outlines the financial implications if assumptions in the MTFS change, highlighting the types of risks to consider when determining future reserve levels.
- 7.5 **Table 4 – Sensitivity Analysis**

Sensitivity Scenario	2025/26	2026/27	2027/28	2028/29
	£m	£m	£m	£m
Inflation - Pay award 1% higher than assumed	0.114	0.124	0.131	0.141
Other Inflation - 1% higher than assumed	0.073	0.074	0.075	0.076
Average investment interest rate - 0.5% lower than assumed (av. £16m invested)	-0.079	-0.076	-0.075	-0.075
Council Tax Collection - 1% lower than assumed	-0.061	-0.063	-0.065	-0.067
NNDR Collection - 1% lower than assumed	-0.046	-0.046	-0.047	-0.049
Net Operating Expenditure - 1% overspent	0.130	0.138	0.144	0.151

8. COUNCIL TAX

Council Tax

- 8.1 Legislation limits Council Tax increases to 3% each year, which limits the Council's capacity to generate income. Anything higher than 3% requires a local referendum and approval by UK Government.
- 8.2 In 2025/26, the Basic Amount of Council Tax was increased by £6.74 to £232.01 for an average Band D property. The MTFS forecasts include a 3% uplift each year.

Tax base for Council tax setting

8.3 The tax base for council tax setting assumed in the MTFS is shown below:

8.4 **Table 5 – Forecast Council Tax Base**

Year	2024/25	2025/26	2026/27	2027/28
	Calculated	Calculated	Projected	Projected
Band D Equivalents	26,400	26,854	27,123	27,394

8.5 Using past trends together with information on already approved and likely future planning applications, projected housing growth has been used to forecast the council tax-base for the period of the MTFS. The tax-base forecast has been arrived at by considering the completion dates of the strategic housing developments in the district and equates to a 1% increase each year.

9. VALUE FOR MONEY AND EFFICIENCY

9.1 Value for Money (VFM) is an assessment of whether we obtain the maximum benefit from the goods and services we both acquire and provide, within the resources available to achieve it. This assessment includes considerations about suitability, quality, whole life costs and the relationship between economy, efficiency and effectiveness.

9.2 Value for money remains an integral part of the external audit opinion. The general feedback was that the council had consolidated previous improvements and demonstrates good value for money across services.

9.3 A key part of the Council's ethos is its focus on achieving efficiencies. This is a main driver during the budget and planning process; ensuring resources are directed in the appropriate areas and is embedded across the whole authority. Services are monitored and reviewed for efficiencies with a view to identify where savings and or productivity gains can be made. The Council is committed to delivering efficiencies to drive costs down and maintain or improve services.

9.4 The Annual Audit Report also provides an opinion on the Council's performance with regards to value for Money. The latest report from 2024 confirms there are no concerns and the Council is able to deliver on it's objectives, whilst achieving value for Money.

10. INCOME GENERATION

Forecasting Income

10.1 This section covers the income from fees and charges.

Policy on Fees and Charges

10.2 The Council aims to maximise revenue from fees and charges, which constitute a significant portion of its income. It is essential to balance statutory responsibilities with the subsidy for discretionary services. The Council prefers to raise charges to recover part or all of the service costs rather than eliminating the service entirely. Charges are set based on local circumstances and the user's ability to pay. Typically,

the Council's fees and charges increase in line with inflation or statutory requirements. Variations in income due to volume changes or charge proposals above or below inflation are addressed through the budget-setting process.

- 10.3 The full list of fees and charges is detailed in the Discretionary Fees and Charges 2025/26 report presented to the Strategy and Resources Committee on 21 November 2024.
- 10.4 The Council's long-term policy is based on three fundamental principles:
- Services should generate income wherever there is a power or duty to do so
 - The income generated should cover the full costs of providing the service, including all overheads
 - Any departures from this policy must be transparently justified with reference to the Council's priorities and policies
- 10.5 When the Council does not generate income in areas where it has the power to do so, it misses the opportunity to fund service improvements, leaving less money available for high-priority services.
- 10.6 Choosing to forego income or subsidise a service is a significant policy decision, comparable to decisions made during the budget-setting process. As the Council moves towards greater self-sufficiency, the cost of maintaining services will ultimately fall on the council taxpayer. The Fees and Charges Policy is reported separately to the Strategy & Resources Committee and the Council, apart from the MTFs.

Income and Debt Management

- 10.7 The Council has a good history of debt collection. The Council continues to build on this to maximise income received and minimise income written off. Monitoring information has been enhanced to provide information on evaluating the effectiveness of debt recovery actions, associated costs, and the cost of not recovering debt promptly. Debt levels are reported monthly through Corporate reporting processes.

11. USE OF RESERVES

- 11.1 The minimum General Fund reserve balance is set at £2.6m. The justification for this is outlined in the S151 Officer Assurance Statement. This minimum level ensures sufficient resources to respond to emergency events and economic shocks, such as the cost-of-living crisis, inflationary pressures, and extreme weather events. We aim to maintain this minimum reserve as far as possible.
- 11.2 Risks to the Council's financial position may arise from budget overspend due to higher-than-budgeted expenditure, lower-than-budgeted income, or a combination of both. Other risks include loss of investment income, contractual or legislative failures, and challenging or emergency events.
- 11.3 Historically, the Council has maintained a strong record of staying within budget and accurately predicting investment income, thus avoiding significant additional provisions. However, high inflation and the current economic environment continue to test the Council's reserves.

11.4 Equally, it is crucial that the use of reserves does not increase year on year, creating an unsustainable future problem. The Council's goal is typically to address any budget gap by making savings.

11.5 A summary of the proposed use of useable reserves is shown in **Table 6** below. This summary is based on a budget projection that includes budget pressures, such as inflation, further salary increases, pension fund contributions, and identified savings.

11.6 **Table 6 – General Fund Reserve**

	2025/26	2026/27	2027/28	2028/29
	£000s	£000s	£000s	£000s
Opening General Fund Reserve Balance	-7,540.00	-3,420.00	-2,011.57	-788.00
Planned Reserve Movements	4,000.00	1,000.00	0.00	0.00
Projected Contribution to General Fund	120.00	408.43	1,223.56	1,496.33
Closing General Fund Reserve Balance	-3,420.00	-2,011.57	-788.00	708.33
Total Earmarked Reserves	-9,517.54	-9,257.87	-8,925.68	-9,353.81
Total Useable Reserves	-12,937.54	-11,269.44	-9,713.68	-8,645.48

12. CAPITAL

12.1 The Council's Capital & Investment Strategy is approved on an annual basis and serves the following purposes:

- It sets out how capital projects contribute to the achievement of the Council's corporate objectives.
- It establishes the criteria for the allocation of capital resources.
- It provides a framework for the administration of capital projects and monitoring of outcomes.

12.2 **Table 7** summarises the planned capital programme over the MTFS period:

Updated Capital Programme - Summary	2025/26	2026/27	2027/28	2028/29
Project Category	£'000	£'000	£'000	£'000
Vehicle & Plant Replacement	163	0	0	0
Car Parking	0	0	0	0
Information & Communication Technology	47	47	47	47
Parks	118	0	0	0
Brickhouse Farm	0	0	0	0
Rivers	0	0	0	0
Leisure & Sports	4,000	1,125	0	0
Cemeteries	0	0	0	0
Play Equipment	345	125	0	0
Housing	539	539	539	539
Community	0	0	0	0
Total Capital Programme - Summary	5,212	1,836	586	586

- 12.3 Although the Capital & Investment Strategy report is a separate report to Council, a summary of the capital programme and funding is provided for at **Appendix B**.
- 12.4 The key driver for the Council's approach to capital expenditure is revenue affordability.
- 12.5 Most Capital Projects have financial implications on the annual Revenue Budget. The revenue implications can take a variety of forms and they include:
- Capital financing costs
 - Loss of investment income
 - Annual non-capital financing costs, e.g.
 - Salaries
 - Rent
 - Rates
 - Energy costs
 - On-going maintenance costs
 - Income generated from the scheme or project
- 12.6 Revenue implications, such as Minimum revenue Provision (MRP), loss of investment interest and increased costs as a result of the proposed Capital Programme have been built into the revenue forecasts in the MTFs.

13. TREASURY MANAGEMENT

- 13.1 The Council will continue to invest in accordance with the approved Treasury Management Strategy and will plan any consideration of borrowing closely through the MTFs and five-year Capital Budget.
- 13.2 Investment income supports the authority's budgets, and changes in interest rates can significantly impact this income. Since December 2021, the Bank of England has increased its base rate from 0.1% to the current level of 4.75% to address high inflation.
- 13.3 The Council remains debt-free, so interest rates do not affect its expenditure levels. However, from March 2025, the Council will utilise approximately £4 million of its Treasury Investments to internally borrow for waste vehicles. This will cost the Council the interest that would have been earned if those funds were invested externally. Currently, the Council's interest returns on Treasury investments are higher than in recent years due to elevated interest rates.

14. EQUALITY IMPACT ASSESSMENTS (EIA)

- 14.1 The Council is committed to ensuring that equality and diversity issues are properly considered. Equality Impact Assessments (EIAs) are a crucial part of our decision-making process, helping us evaluate the impact of decisions on our residents, stakeholders, and customers. When a decision has a high impact, we develop mitigation plans to reduce that impact. These assessments are completed in accordance with national guidance and best practices. The need for an EIA is considered for every Committee report..

15. CONCLUSION

15.1 The MTFS should be considered in the context of the following issues:

- The impact of the cost-of-living crisis on inflationary costs and local taxation collection, noting that most government and local measures are temporary.
- The reductions in local government funding over the past decade and a half, and the uncertainty surrounding further reductions in the future.
- The Council's future budget gaps, despite its historical financial strength, as evidenced by the General Fund reserves, robust financial management, and an excellent track record in achieving efficiency savings.
- The need for challenging decisions to safeguard frontline services and achieve sustainable balanced budgets, along with maintaining an adequate level of General Fund reserves.
- The possibility that the Usable Capital Receipts Reserve could be fully utilized over the MTFS period if the programme needs to expand in future years.

15.2 The financial position over the medium term is shown in **Appendix A**.

LIST OF APPENDICES

Appendix A sets out the MTFS projections for the General Fund (below)

Appendix B sets out the medium-term projections for Capital (below)

Appendix C shows the Policy on reserves and balances (below)

Appendix A - Medium Term Financial Strategy 2025/26 – 2027/28

	2025/26	2026/27	2027/28	2028/29
	£000s	£000s	£000s	£000s
Revised Budget from Prior Year	12,931.44	13,080.25	13,683.43	14,194.77
Virement Reversals	-742.28	0.00	0.00	0.00
Increase in Salaries	518.60	352.50	379.86	389.36
Contract Inflation (incl. Waste)	229.00	242.26	253.44	265.16
Fees & Charges	-129.00	-119.57	-121.97	-124.40
Prior Year Approved Savings	-190.52	0.00	0.00	0.00
New Savings	-503.94	0.00	0.00	0.00
New Growth	442.27	0.00	0.00	0.00
New Pressures	835.80	0.00	0.00	0.00
Temporary Growth	206.31	-206.31	0.00	0.00
Temporary Reserve Funding	-439.31	334.31	0.00	0.00
Other	-78.12	0.00	0.00	0.00
Net Cost of Services	13,080.25	13,683.43	14,194.77	14,724.88
Investment Income	-663.53	-586.76	-547.06	-472.06
Contribution to Pension Payment	120.00	120.00	120.00	120.00
Total Funding	-12,344.38	-12,558.24	-12,294.15	-12,626.49
Budget (Surplus) / Deficit	192.34	658.43	1,473.56	1,746.33
Earmarked Reserve Contribution	-72.34	-250.00	-250.00	-250.00
(Surplus) / Deficit - Funded from GF Reserve	120.00	408.43	1,223.56	1,496.33

Funding Source	2025-26	2026-27	2027-28	2028-29
New Homes Bonus	-587.07	-587.07	0.00	0.00
EPR Funding	-636.00	-667.80	-701.19	-736.25
Renewable Energy	-973.27	-992.73	-1,012.59	-1,032.84
Business Rates Baseline Funding	-1,275.17	-1,300.67	-1,326.68	-1,353.22
Business Rates Growth incl S31	-2,041.00	-2,081.82	-2,123.46	-2,165.93
Business Rates levy/benefit	334.49	341.18	348.01	354.97
NNDR Under-Indexing	-355.18	-362.28	-369.52	-376.92
Other Grants	-37.35	-38.09	-38.85	-39.63
Funding Floor	-443.31	-452.17	-461.22	-470.44
Estimated Yield from Council Tax	-6,230.49	-6,416.78	-6,608.64	-6,806.24
Estimated Collection Fund (surplus)/deficit	-100.05	0.00	0.00	0.00
Contribution from Leisure Smoothing Reserves	-72.34	-250.00	-250.00	-250.00
Investment Interest	-663.53	-586.76	-547.06	-472.06
Total Funding	-13,080.25	-13,395.00	-13,091.21	-13,348.55

Appendix B – Capital Programme & Capital Receipts Reserve 2025/26

		2025/26	2026/27	2027/28	2028/29
Project Title	Funding Source	£'000	£'000	£'000	£'000
<u>Vehicle & Plant Replacement</u>					
Trimas Pegasus - Grass cutting machine	Capital Receipts				
John Deere Gator Vehicle replacement	Capital Receipts				
Community Engagement Team Vehicle	Capital Receipts	18			
Maintenance Team Vehicle	Capital Receipts	35			
Tractor Side-Arm Flail	Capital Receipts	40			
Ride on Mower	Capital Receipts	35			
Parks Vehicle Transit	Capital Receipts	35			
Suez Waste Vehicles	Borrowing				
<u>Car Parking</u>	-				
White Horse Lane resurfacing	SEPP Grant				
Butt Lane subsidence repairs	SEPP Grant				
<u>Information & Communication Technology</u>	-				
PC and Printer Replacement Programme	Capital Receipts	47	47	47	47
<u>Parks</u>	-				
Promenade Park Amphitheatre Strengthening	Capital Receipts				
Goldhanger – Decommission garages	Capital Receipts				
Seawall and Coach Park toilets – lighting	Capital Receipts				
Matting Play surfacing for 4 sites	Capital Receipts				
Longfields pathways tarmacing	Capital Receipts				
Remembrance Avenue – Road resurface.	Capital Receipts				
New accessible playsite	Capital Receipts				
Fencing and Bollards - Parks	Capital Receipts	20			
MDC Roads Resurfacing	Capital Receipts	98			
Splashpark element (Year 3)	Capital Receipts				
<u>Brickhouse Farm</u>	-				
Scout Hut – New flooring	Capital Receipts				
St Georges Play Site – Equipment refresh	Capital Receipts				
<u>Rivers</u>	-				
New Navigation buoys	Capital Receipts				
Burnham-On-Crouch houseboats berth	Capital Receipts				
Burnham-On-Crouch Pontoon (UKSPF)	UKSPF				
<u>Leisure & Sports</u>	-				
Plume school - Replacement Carpet Astro pitch	Capital Receipts		125		

APPENDIX 1

		2025/26	2026/27	2027/28	2028/29
Project Title	Funding Source	£'000	£'000	£'000	£'000
New Leisure Centre Facilities	Borrowing	4,000	1,000		
Changing Places	Changing Places Grant				
<u>Cemeteries</u>	-				
Renovation of garden of remembrance	Capital Receipts				
<u>Play Equipment</u>	-				
Prom Park - The Valley - Play Galleon	S106 Reserve				
District accessibility - BOC accessible play (UKSPF)	UKSPF				
Play equipment Prom Park sensory (UKSPF)	UKSPF				
Riverside Park - Skate park equipment and surface	S106 Reserve				
YFP - Lighting for youth facilities	PFC Grant				
YFP - Maldon Skate Park/BMX Track Resurfacing	S106 Reserve				
YFP - Riverside Skate Park Equipment and Surface	S106 Reserve				
YFP - West Maldon skate park / BMX track	S106 Reserve				
New Playsite Equipment	Capital Receipts	125	125		
Playsite Surfacing - Oaktree Meadow	Capital Receipts	60			
Play Site Fencing	Capital Receipts	60			
New accessible play site (Sensory)	S106 Reserve	100			
<u>Housing</u>	-				
Mandatory Disabled Facilities Grants	Disabled Facilities	539	539	539	539
Stephens House	S106 Reserve				
<u>Community</u>	-				
UKSPF Core Capital	UKSPF Grant				
REPF Capital	REPF Grant				
Total Capital Programme		5,212	1,836	586	586
		2025/26	2026/27	2027/28	2028/29
<u>Funding</u>	-	£'000	£'000	£'000	£'000
Capital Receipts Applied		(573)	(172)	(47)	(47)
S.106 Contributions		(100)	(125)	0	0
Internal Borrowing		(4,000)	(1,000)	0	0
Direct Revenue Financing		0	0	0	0
Government Grants		(539)	(539)	(539)	(539)
Total Capital Programme Funding		(5,212)	(1,836)	(586)	(586)

APPENDIX 1

Capital Receipts Reserve 2025/26 – 2028/29	2025/26	2026/27	2027/28	2028/29
	£'000	£'000	£'000	£'000
Opening Balance	(704)	(131)	(209)	(412)
Capital Expenditure	573	172	47	47
Asset Disposals/Contributions	0	(250)	(250)	(250)
Closing Balance	(131)	(209)	(412)	(615)

Appendix C – Policy on Reserves and Balances 2025/26

Purpose

This policy ensures good financial management by outlining the principles for reserves and balances, which should be reviewed annually.

Application

This policy applies to the General Fund for Maldon District Council, covering reserves only, not provisions.

The Existing Legislative/Regulatory Framework

Financial reserves are required by law, as per Sections 32 and 43 of the Local Government Finance Act 1992. The Local Government Finance Act 1992 and Local Government Act 2003 provide safeguards against financial over-commitment, including:

- Balanced budget requirement
- Chief Finance Officer's duty to report on estimates and reserves
- Proper administration of financial affairs (Section 151 duties)
- Prudential code requirements
- Auditor's review of financial soundness

The Role of the Section 151 Officer

The Section 151 Officer advises the Council on reserve levels and ensures clear protocols for their use. The Council must consider this advice, taking into account local circumstances and risks.

Types of Reserves

Reserves serve three main purposes:

- Working balance for cash flow management
- Contingency for unexpected events
- Earmarked reserves for specific liabilities

Other reserves include:

- Pensions Reserve (IAS19)
- Revaluation Reserve
- Capital Adjustment Account
- Collection Fund Adjustment Account

Each earmarked reserve must have a clear protocol detailing its purpose, usage, management, and review process.

Assessing the Adequacy of Reserves

The Chief Finance Officer assesses reserve adequacy based on strategic, operational, and financial risks. This is part of the four-year Service and Resource Planning Process, considering factors like inflation, capital receipts, demand pressures, efficiency savings, financial risks, and economic conditions.

Reserve Levels

The Council holds:

- General non-earmarked reserves (General Fund Balances)
- Earmarked reserves for specific purposes

The General Fund reserves should be at least £2.6m, reviewed annually during budget setting.

Reporting Framework

The Chief Finance Officer ensures proper stewardship of public funds. The Council determines reserve levels during budget approval and final accounts meetings, based on the Chief Finance Officer's advice.

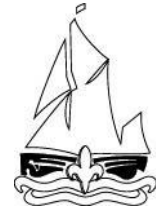
The reporting policy includes:

- Medium-Term Financial Strategy report on reserve usage
- Budget report on reserve adequacy
- Annual statement of accounts detailing reserves
- In-year Budget Monitoring reports on reserve transactions

Good Governance

Councillors must ensure reserve adequacy when setting the budget, based on the Chief Finance Officer's advice and the review and reporting arrangements.

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**REPORT of
INTERIM CHIEF FINANCE OFFICER**

**to
COUNCIL
13 FEBRUARY 2025**

COUNCIL TAX 2025 / 26

1. PURPOSE OF THE REPORT

- 1.1 The Council is required to set out the total amount that needs to be raised from Council Tax in the forthcoming year. This is known as the Council Tax Requirement for Maldon District Council and forms part of the funding that supports the services provided by the Council. Ultimately, this report sets the amount of Council Tax charged to each household in the District.
- 1.2 The report not only details the average amount of Council Tax charged by Maldon but also includes the total amounts of Council Tax expected to be collected for Essex County Council, the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (EPFCCFRA) for both Fire and Police services, and the various Parish Councils within the District.

2. RECOMMENDATIONS

- (i) that Maldon District Council's Council Tax Requirement for 2025 / 26 is set at £6,230,489;
- (ii) that the Maldon District Council's Band D Council Tax (excluding Parish precepts) is set at £232.01, reflecting an increase of £6.74 (2.99%), all other bands being determined in accordance with the relevant Sections of the Local Government Finance Act 1992, as amended;
- (iii) that the precept demands and level of Band D Council Tax of the Essex County Council, the EPFCCFRA for both Police and Fire, and the various Parish Councils within the District be determined as set out in the report, all other bands being determined in accordance with the relevant Sections of the Local Government Finance Act 1992, as amended;
- (iv) that the Council agrees the resolution set out at **APPENDIX A**.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council is statutorily required to determine its own Council Tax Requirement and, including precepts determined by the other precepting authorities, to determine the Council Tax for the 2025 / 26 financial year (**APPENDIX A**).
- 3.2 Setting the level of council tax to be charged and calculating the total amount of council tax to be drawn from the collection fund is the final stage of the budget

process. Council tax is a major form of funding that pays for the services provided to residents. The amount of funding the council may raise in council tax is limited by:

- the number and council tax valuation band of the properties in the district on which a charge for council tax can be applied (referred to as the council tax base); and
- the maximum increase that may be applied to the current council tax level (without a referendum being triggered).

3.3 Maldon’s council tax base for 2025 / 26 expressed as Band D equivalent properties is 26,854.4 and was agreed by the Council on 12 December 2024.

3.4 The Government laid before the House of Commons a written ministerial statement on the Final Referendum Principles for approval. For Maldon District Council, if it wished to raise its relevant basic amount of Council Tax for 2025 / 26 by the greater of:

- (a) 3%, or more, greater than its relevant basic amount of council tax for 2025 / 26; and
- (b) more than £5 greater than its relevant basic amount of council tax for 2025 / 26.

then a referendum of the local electorate would be required to approve or veto the increase.

3.5 The Council is intending to increase its own Council Tax by 2.99%, which is within the referendum thresholds. The table below illustrates the impact of this increase for each of the council tax bands:

A	B	C	D	E	F	G	H
£4.49	£5.24	£5.99	£6.74	£8.24	£9.74	£11.23	£13.48

3.6 Essex County Council is proposing a budget and precept increase of 3.75%. This is subject to agreement on 18 February 2025. The Police and Crime Commissioner for Essex and Essex County Fire and Rescue Service have proposed budget increases of 5.66% and 5.99% respectively. These are also subject to their formal approval process in February 2025.

3.7 Maldon District Council’s Council Tax Requirement 2025 / 26

3.7.1 The Council Tax Requirement as calculated and recommended is £6,230,489. The table below illustrates the calculation:

	2024 / 25	2025 / 26
	£	£
Maldon District Council Net Budget Requirement	12,453,173	13,080,489
Income		
Interest on Investment	(1,000,000)	(664,000)
New Homes Bonus	(495,000)	(587,000)
Other Grants	(1,784,000)	(1,970,000)
Transfer (from) / to Reserves	2,803,000	(192,000)
Business Rates	(3,359,000)	(3,337,000)
Collection Fund Net Deficit/(Surplus)	(2,671,000)	(100,000)
Maldon District Council Tax Requirement	5,947,173	6,230,489

- 3.7.2 The Council Tax Requirement including all preceptors is shown in the table below. The percentage increase is due to both an increase in the Tax Base and the Budget Requirement.

Precepting and Billing Authority	2024 / 25 £	2025 / 26 £	Change %
Essex County Council	40,195,097	42,418,942	5.53%
Essex County Fire and Rescue Service	2,181,185	2,351,640	7.81%
Office of the Police and Crime Commissioner for Essex	6,505,537	6,992,080	7.48%
Maldon District Council	5,947,173	6,230,489	4.76%
Parish Council's (Aggregate)	1,792,273	1,968,056	9.81%
Total	56,621,264	59,961,207	5.90%

- 3.7.3 The Average Council Tax for each household is calculated by taking the precept requirement and dividing it by the Council Tax Base. The average is always shown as Band D equivalent. All other bands are calculated by applying a ratio to the Band D Council Tax.

- 3.7.4 The table below shows the resulting Band D Council Tax amount for each of the precepting authorities that make up the Council Tax bill. The Parish element is not shown in this table as it will be different for each Parish area depending on the amount of the Parish precept. The individual Parish Precepts are show in **APPENDIX A** section 3 (g).

Precepting and Billing Authority	2024 / 25 £	2025 / 26 £	Change %
Essex County Council	1,522.53	1,579.59	3.75%
Essex County Fire and Rescue Service	82.62	87.57	5.99%
Office of the Police and Crime Commissioner for Essex	246.42	260.37	5.66%
Maldon District Council	225.27	232.01	2.99%
Total	2,076.84	2,159.54	3.98%

- 3.7.5 The 2025 / 26 average Parish Band D Council Tax increase equates to £73.29 and gives an overall Band D average charge of £2,232.83 compared to the current year Band D average charge of £2,144.73.

- 3.7.6 In accordance with Section 30-36 of the Local Government and Finance Act, 1992, as amended, the Council Tax payable for each band of property by Parish taking into account the individual precept requirement for each Parish Council has been calculated as set out in **APPENDIX A** – Table A.

4. CONCLUSION

- 4.1 The Council as the billing authority is statutorily required to determine its own Council Tax Requirement and include the precepts determined and notified to the Council by the precepting authorities, to determine the Council Tax for the 2025 / 26 financial year, as set out in this report.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

- 5.1 This report discharges the Council's statutory function as a Council Tax billing authority, which is a cornerstone in its priority to support our communities and invest in our District.

6. IMPLICATIONS

- (i) **Impact on Customers** – The report and **APPENDIX A** sets out the Council Tax that will be payable by residents of the District for the financial year commencing 1 April 2025.
- (ii) **Impact on Equalities** – None arising directly from this report.
- (iii) **Impact on Risk (including Fraud implications)** – Significant legal and statutory default risk if the Council fails to set the Council Tax for its area for 2025 / 26.
- (iv) **Impact on Resources (financial)** – Significant financial and statutory default risk if the Council fails to set the Council Tax for its area for 2025 / 26.
- (v) **Impact on Resources (human)** – None arising from this report.

Background Papers: Council Tax Base Report to the Council, 12 December 2024.

Enquiries to: Tom Mulloy, Interim Lead Finance Specialist.

COUNCIL TAX 2025 / 26 RESOLUTION

The Council is recommended to resolve as follows:

1. That it be noted that at its meeting on 12 December 2024 the Council calculated its Council Tax Base for the year 2025 / 26:
 - (a) for the whole district as 26,854.4 Item T in the formula in Section 31B of the Local Government Finance Act 1992 (the Act), as amended by the Localism Act 2011; and
 - (b) for dwellings in those parts of its district to which a Parish precept relates as listed below:

Althorne	511.7
Asheldham	68.6
Bradwell-on-Sea	341.7
Burnham-on-Crouch	3,794.0
Cold Norton	510.0
Dengie	46.6
Goldhanger	310.4
Great Braxted	186.0
Great Totham	1,415.4
Hazeleigh	127.7
Heybridge	2,865.6
Heybridge Basin	276.3
Langford	87.7
Latchingdon	535.1
Little Braxted	82.1
Little Totham	194.6
Maldon	5,962.3
Mayland	1,496.2
Mundon	147.5
North Fambridge	539.9
Purleigh	579.7
Southminster	1,657.2
St. Lawrence	594.8
Steeple	189.5
Stow Maries	87.5
Tillingham	410.7
Tollesbury	1,023.3
Tolleshunt D'arcy	463.9
Tolleshunt Knights	429.6
Tolleshunt Major	275.5
Ulting	78.4
Wickham Bishops	1,022.1
Woodham Mortimer	260.8
Woodham Walter	282.0
Total Parishes	26,854.4

2. Calculate that the Council Tax Requirement for the Council's own purposes for 2025/26 (excluding Parish precepts) is £6,230,489.
3. That the following amounts be calculated by the Council for the year 2025 / 26 in accordance with new Sections 31 to 36 of the Act as amended:
 - (a) £33,555,379 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils **(i.e. gross expenditure including Parish precepts)**
 - (b) £25,356,834 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act **(i.e. gross income including government grants)**
 - (c) £8,198,545 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax Requirement for the year (Item R in the formula in Section 31B of the Act) **(i.e. Council Tax Requirement including Parish precepts)**.
 - (d) £305.30 being the amount at 3(c) above (Item R) divided by the amount at 1(a) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year **(i.e. average Band D Council Tax including Parish precepts)**
 - (e) £1,968,056 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act **(i.e. Parish Council precepts)**
 - (f) £232.01 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates **(i.e. District Council Band D Council Tax excluding Parish precepts)**.
 - (g) Basic Amount of Council Tax by Parish 2025 / 26

Town/Parish	Local Precept	Town/Parish Band D	District + Town/Parish Band D
Althorne	28,080.00	54.88	286.89
Asheldham	4,344.00	63.32	295.33
Bradwell-on-Sea	27,900.00	81.65	313.66
Burnham-on-Crouch	248,309.50	65.45	297.46
Cold Norton	47,031.00	92.22	324.23
Dengie	2,951.00	63.33	295.34
Goldhanger	12,500.00	40.27	272.28
Great Braxted	13,997.24	75.25	307.26

APPENDIX A

Town/Parish	Local Precept	Town/Parish Band D	District + Town/Parish Band D
Great Totham	39,716.00	28.06	260.07
Hazeleigh	2,552.00	19.98	251.99
Heybridge	260,000.00	90.73	322.74
Heybridge Basin	30,500.00	110.39	342.40
Langford	8,199.00	93.49	325.50
Latchingdon	44,210.00	82.62	314.63
Little Braxted	5,100.00	62.12	294.13
Little Totham	9,508.00	48.86	280.87
Maldon	487,270.25	81.73	313.74
Mayland	107,428.00	71.80	303.81
Mundon	8,600.00	58.31	290.32
North Fambridge	24,150.00	44.73	276.74
Purleigh	49,000.00	84.53	316.54
Southminster	162,843.00	98.26	330.27
St. Lawrence	35,169.00	59.13	291.14
Steeple	12,036.00	63.51	295.52
Stow Maries	7,651.80	87.45	319.46
Tillingham	38,273.00	93.19	325.20
Tollesbury	123,946.00	121.12	353.13
Tolleshunt D'arcy	25,730.00	55.46	287.47
Tolleshunt Knights	17,306.00	40.28	272.29
Tolleshunt Major	13,500.00	49.00	281.01
Ulting	6,301.00	80.37	312.38
Wickham Bishops	24,530.00	24.00	256.01
Woodham Mortimer	5,211.00	19.98	251.99
Woodham Walter	34,213.00	121.32	353.33

These amounts are calculated by adding to the amount at 3(f) above, the amounts of the special item or items relating to dwellings in those parts of the Councils area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

(h) Calculation of Basic Amounts of Council Tax by Parish for Different Valuation Bands

District and Parish Town	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Althorne	191.26	223.13	255.01	286.89	350.64	414.39	478.14	573.77
Asheldham	196.89	229.70	262.52	295.33	360.96	426.59	492.22	590.67
Bradwell-on-Sea	209.11	243.96	278.81	313.66	383.36	453.07	522.77	627.32
Burnham-on-	198.31	231.36	264.41	297.46	363.56	429.66	495.76	594.92

APPENDIX A

District and Parish Town	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Crouch								
Cold Norton	216.15	252.18	288.20	324.23	396.28	468.33	540.38	648.46
Dengie	196.89	229.71	262.52	295.34	360.97	426.60	492.23	590.67
Goldhanger	181.52	211.77	242.03	272.28	332.79	393.29	453.80	544.56
Great Braxted	204.84	238.98	273.12	307.26	375.54	443.82	512.10	614.53
Great Totham	173.38	202.28	231.17	260.07	317.86	375.66	433.45	520.14
Hazeleigh	168.00	196.00	223.99	251.99	307.99	363.99	419.99	503.99
Heybridge	215.16	251.02	286.88	322.74	394.46	466.18	537.90	645.48
Heybridge Basin	228.26	266.31	304.35	342.40	418.49	494.57	570.66	684.79
Langford	217.00	253.17	289.33	325.50	397.83	470.17	542.50	651.00
Latchingdon	209.75	244.71	279.67	314.63	384.55	454.47	524.38	629.26
Little Braxted	196.09	228.77	261.45	294.13	359.49	424.85	490.22	588.26
Little Totham	187.25	218.45	249.66	280.87	343.28	405.70	468.12	561.74
Maldon	209.16	244.02	278.88	313.74	383.45	453.17	522.89	627.47
Mayland	202.54	236.30	270.05	303.81	371.32	438.84	506.35	607.62
Mundon	193.54	225.80	258.06	290.32	354.83	419.34	483.86	580.63
North Fambridge	184.49	215.24	245.99	276.74	338.24	399.74	461.23	553.48
Purleigh	211.02	246.20	281.37	316.54	386.88	457.22	527.56	633.07
Southminster	220.18	256.88	293.58	330.27	403.67	477.06	550.46	660.55
St. Lawrence	194.09	226.44	258.79	291.14	355.83	420.53	485.23	582.27
Steeple	197.02	229.85	262.69	295.52	361.20	426.87	492.54	591.05
Stow Maries	212.97	248.47	283.96	319.46	390.45	461.44	532.43	638.92
Tillingham	216.80	252.93	289.07	325.20	397.47	469.73	542.00	650.40
Tollesbury	235.42	274.66	313.90	353.13	431.61	510.08	588.56	706.27
Tolleshunt D'arcy	191.65	223.59	255.53	287.47	351.36	415.24	479.12	574.95
Tolleshunt Knights	181.53	211.78	242.04	272.29	332.80	393.31	453.82	544.59
Tolleshunt Major	187.34	218.56	249.79	281.01	343.46	405.91	468.35	562.02
Ulting	208.25	242.96	277.67	312.38	381.80	451.22	520.63	624.76
Wickham Bishops	170.67	199.12	227.56	256.01	312.90	369.79	426.68	512.02
Woodham Mortimer	167.99	195.99	223.99	251.99	307.99	363.99	419.98	503.98
Woodham Walter	235.56	274.81	314.07	353.33	431.85	510.37	588.89	706.67

These amounts are calculated by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year, in respect of categories of dwellings listed in different valuation bands.

That it be noted for the year 2025 / 26 the major precepting authorities have issued precepts to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated in the table below:

Precepting Authority	Valuation Bands			
Essex County Council	A	£1,053.06	E	£1,930.61
	B	£1,228.57	F	£2,281.63
	C	£1,404.08	G	£2,632.65
	D	£1,579.59	H	£3,159.18
Essex PFCC F&RA Essex Police and Crime Commissioner	A	£173.58	E	£318.23
	B	£202.51	F	£376.09
	C	£231.44	G	£433.95
	D	£260.37	H	£520.74
Essex PFCC F&RA Essex Fire and Rescue Authority	A	£58.38	E	£107.03
	B	£68.11	F	£126.49
	C	£77.84	G	£145.95
	D	£87.57	H	£175.14

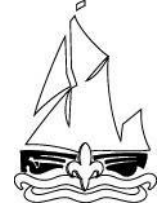
5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4 above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 as amended, hereby sets the following amounts as the amounts of Council Tax for the year 2025 / 26 for each part of its area and for each of the categories of dwelling shown in Table A attached.
6. Determines that the Council's basic amount of Council Tax for 2025 / 26 is not excessive in accordance with the principles approved under Section 52ZB of the Local Government Finance Act 1992, as amended.

As the billing authority, the Council has not been notified by a major precepting authority that its relevant basic amount of Council Tax for 2025 / 26 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992, as amended.

TABLE A

**Total Council Tax Amounts (£) by Band and Area
2025/26**

Parish/Area	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Althorne	1,476.28	1,722.32	1,968.37	2,214.42	2,706.51	3,198.60	3,690.69	4,428.83
Asheldham	1,481.91	1,728.89	1,975.88	2,222.86	2,716.83	3,210.80	3,704.77	4,445.73
Bradwell-on-Sea	1,494.13	1,743.15	1,992.17	2,241.19	2,739.23	3,237.28	3,735.32	4,482.38
Burnham-on-Crouch	1,483.33	1,730.55	1,977.77	2,224.99	2,719.43	3,213.87	3,708.31	4,449.98
Cold Norton	1,501.17	1,751.37	2,001.56	2,251.76	2,752.15	3,252.54	3,752.93	4,503.52
Dengie	1,481.91	1,728.90	1,975.88	2,222.87	2,716.84	3,210.81	3,704.78	4,445.73
Goldhanger	1,466.54	1,710.96	1,955.39	2,199.81	2,688.66	3,177.50	3,666.35	4,399.62
Great Braxted	1,489.86	1,738.17	1,986.48	2,234.79	2,731.41	3,228.03	3,724.65	4,469.59
Great Totham	1,458.40	1,701.47	1,944.53	2,187.60	2,673.73	3,159.87	3,646.00	4,375.20
Hazeleigh	1,453.02	1,695.19	1,937.35	2,179.52	2,663.86	3,148.20	3,632.54	4,359.05
Heybridge	1,500.18	1,750.21	2,000.24	2,250.27	2,750.33	3,250.39	3,750.45	4,500.54
Heybridge Basin	1,513.28	1,765.50	2,017.71	2,269.93	2,774.36	3,278.78	3,783.21	4,539.85
Langford	1,502.02	1,752.36	2,002.69	2,253.03	2,753.70	3,254.38	3,755.05	4,506.06
Latchingdon	1,494.77	1,743.90	1,993.03	2,242.16	2,740.42	3,238.68	3,736.93	4,484.32
Little Braxted	1,481.11	1,727.96	1,974.81	2,221.66	2,715.36	3,209.06	3,702.77	4,443.32
Little Totham	1,472.27	1,717.64	1,963.02	2,208.40	2,699.15	3,189.91	3,680.67	4,416.80
Maldon	1,494.18	1,743.21	1,992.24	2,241.27	2,739.32	3,237.38	3,735.44	4,482.53
Mayland	1,487.56	1,735.49	1,983.41	2,231.34	2,727.19	3,223.05	3,718.90	4,462.68
Mundon	1,478.56	1,724.99	1,971.42	2,217.85	2,710.70	3,203.55	3,696.41	4,435.69
North Fambridge	1,469.51	1,714.43	1,959.35	2,204.27	2,694.11	3,183.95	3,673.78	4,408.54
Purleigh	1,496.04	1,745.39	1,994.73	2,244.07	2,742.75	3,241.43	3,740.11	4,488.13
Southminster	1,505.20	1,756.07	2,006.94	2,257.80	2,759.54	3,261.27	3,763.01	4,515.61
St. Lawrence	1,479.11	1,725.63	1,972.15	2,218.67	2,711.70	3,204.74	3,697.78	4,437.33
Steeple	1,482.04	1,729.04	1,976.05	2,223.05	2,717.07	3,211.08	3,705.09	4,446.11
Stow Maries	1,497.99	1,747.66	1,997.32	2,246.99	2,746.32	3,245.65	3,744.98	4,493.98
Tillingham	1,501.82	1,752.12	2,002.43	2,252.73	2,753.34	3,253.94	3,754.55	4,505.46
Tollesbury	1,520.44	1,773.85	2,027.26	2,280.66	2,787.48	3,294.29	3,801.11	4,561.33
Tolleshunt D'arcy	1,476.67	1,722.78	1,968.89	2,215.00	2,707.23	3,199.45	3,691.67	4,430.01
Tolleshunt Knights	1,466.55	1,710.97	1,955.40	2,199.82	2,688.67	3,177.52	3,666.37	4,399.65
Tolleshunt Major	1,472.36	1,717.75	1,963.15	2,208.54	2,699.33	3,190.12	3,680.90	4,417.08
Ulting	1,493.27	1,742.15	1,991.03	2,239.91	2,737.67	3,235.43	3,733.18	4,479.82
Wickham Bishops	1,455.69	1,698.31	1,940.92	2,183.54	2,668.77	3,154.00	3,639.23	4,367.08
Woodham Mortimer	1,453.01	1,695.18	1,937.35	2,179.52	2,663.86	3,148.20	3,632.53	4,359.04
Woodham Walter	1,520.58	1,774.00	2,027.43	2,280.86	2,787.72	3,294.58	3,801.44	4,561.73



**REPORT of
DEPUTY CHIEF EXECUTIVE**

**to
COUNCIL
13 FEBRUARY 2025**

COUNCIL OFFICES PRINCES ROAD

1. PURPOSE OF THE REPORT

- 1.1 To confirm the location of the Council's offices for Maldon District Council (MDC) in the immediate term so that key dependencies can be progressed.

2. RECOMMENDATIONS

- (i) That Maldon District Council will continue to operate from the Council Offices at Princes Road;
- (ii) That Maldon District Council will not be seeking to develop another site or relocate the Council to another office building for the immediate term;
- (iii) That the Council approves the principle of 2025 spend from reserves with the purpose of ensuring urgent maintenance items are progressed - details of any spend will follow normal approval processes as specified;
- (iv) That the Council approves the principle of progressing with Net Zero feasibility and for officers to secure relevant funding to support this activity;
- (v) That the Council approves the principle of progressing further work with regard to making improvements to the offices to ensure they remain fit for purpose for Members, Officers and the Council's tenants, and to spending from reserves (via the appropriate governance route) should it be agreed that these should be implemented.

3. SUMMARY OF KEY ISSUES

- 3.1 The location of the Council's offices and the viability of the Council building at Princes Road has been debated for some time – most recently in 2023 when the latest Feasibility Study was concluded.
- 3.2 At that point, the Council's intention was to relocate from Princes Road entirely and the feasibility study's purpose was to seek appropriate options for the Council to consider. However, in 2023 when the initial findings were presented, the Council determined that (alongside investigating the two recommended options Princes Road Depot and the offices at Promenade Park) its preference was to also revisit the possibility of remaining at Princes Road and to refurbish instead.
- 3.3 Unfortunately, this change in direction had implications for the Council's One Public Estate (OPE) funding - secured on the basis that the Council intended to sell the Princes Road site in its entirety and relocate. As a consequence, it was agreed that

the remainder of the Council's feasibility grant would be returned to OPE until a firm decision had been reached; and the project was paused whilst the Commercial team focused on establishing the Councils Asset Management Strategy (required to set out the Councils intentions when residing/occupying premises with Partners).

- 3.4 Since this time, a number of other initiatives have reached a stage where critical decisions are needed to be able to move forward. These are building maintenance and repair, Net Zero infrastructure investment and office refit / refurbishment.
- **Building Maintenance and Repair:**
For some time, significant investment in the building has been mitigated due to the intention that relocation or refurbishment would be imminent. This has resulted in a significant build-up of maintenance requirements. It is envisaged that some of this work could be brought forward as part of the building decarbonisation (net zero) works, but there are also some urgent maintenance needed for the coming financial year. Officers are currently working on a proposal which aims to address these urgent items in 2025, whilst a plan for longer term changes (which can also make a contribution to our Net Zero targets) is developed. 2025 costs are expected to be up to c.£400k. A detailed programme of works will be developed and brought to members for approval.
 - **Net Zero Infrastructure Investment:**
The Council's Net Zero deadline has been agreed for 2050, however it is accepted that significant infrastructure changes will be needed across the district to achieve this. The building has been assessed and the Council has been advised that c.£1.8M changes could be made to reduce the offices carbon footprint. Officers propose that the Council takes time to consider these options more fully and phase the changes to ensure investment is made wisely - achieving our net zero objectives as well as ensuring a comfortable and efficient building. It is intended that MDC takes advantage of grants and external Net Zero resources available to assist us with this e.g. Public Sector Low Carbon Skills Fund. Lead times associated with securing funding can be long and therefore applications should be made asap in 2025.
 - **Office refit/refurbishment:**
Finally, the Council Chamber is not fit for purpose and requires a refit. As the offices will likely continue to be used for local authority Committee meetings and Officer desk space beyond May 2026, consideration needs to be made as to the extent of renovation made. The offices have been multi-tenanted for some time but there is also potentially more leasable space to be realised within the building with more efficient use of space. Investment to reconfigure the chamber and provide flexible office / meeting space has been estimated at c.£900k+ but work will need to be done to revisit this proposal with Members and senior Officers to ensure any changes meet the Councils immediate need, as well as any future arrangements.
- 3.5 As MDC is one of many District Councils in consideration for change under the Governments recently announced Local Government Reorganisation, the future of the Council, the building and its continued use under a unified Local Authority is presently unclear.
- 3.6 As a result, Officers advise that the Council confirms its intention to remain at Princes Road for the foreseeable and cease any further work with regards to relocating. This will enable the following:

- Urgent building repair / maintenance items to be agreed / actioned.
- Building decarbonisation / efficiency options - contributing to our districts wider Net Zero targets - to be explored/implemented.
- Refurbishment / refit changes to be considered.

3.7 Members will be consulted / provide steer on these three factors via the Net Zero Working Group and the Strategic Assets Working Group respectively. Any relevant decisions will then be escalated via the usual governance route.

4. CONCLUSION

4.1 With Devolution and Local Government Reorganisation announcements made at the end of 2024, decisions on how local authority will operate within Maldon District and Essex County beyond May 2028 are yet to be decided. This also means the future of the building and its role within local authority is also unclear.

4.2 Therefore, it is recommended that the Council confirms its intention to remain in Princes Road Council Office building in the immediate term. This will enable critical operational and strategic decisions to be made regarding our Net Zero, Repair and Maintenance and Refurbishment ambitions and for these to be appropriately delivered whilst wider decisions are made.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Investing in our District

5.1.1 Retaining and maintaining the Council offices ensures that the public owned asset remains fit for purpose and able to provide the Council services that our community depend upon.

5.2 Protecting our environment

5.2.1 Decarbonising the Council offices will be a priority for the Council in line with its Net Zero ambitions.

5.3 Delivering good quality services.

5.3.1 Ensuring the Council offices remain fit for purpose will support Officers and Members in delivering the services required by our District.

6. IMPLICATIONS

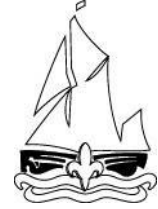
- (i) **Impact on Customers** – None.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk (including Fraud implications)** – None.
- (iv) **Impact on Resources (financial)** – Whilst there are no immediate financial impacts directly linked with this decision, remaining in the building will mean that costs associated with refurbishing and decarbonising the building – along with the backlog of maintenance items- will need to be brought to Members

for consideration and determination. These will be raised via the normal Member approval process in due course, as highlighted in the report. Whilst it is anticipated that some costs will be significant, Officers intend to mitigate this where possible by utilising Net Zero grant funding where this is available to us.

- (v) **Impact on Resources (human)** – None.

Background Papers: None.

Enquiries to: Katy Moore, Senior Project Manager, Commercial.



**REPORT of
MONITORING OFFICER**

to
COUNCIL
13 FEBRUARY 2025

CONSULTATION RESPONSE - STANDARDS AND CONDUCT FRAMEWORK

1. PURPOSE OF THE REPORT

- 1.1 To agree a formal response on behalf of Maldon District Council (MDC) to the government consultation on member standards and conduct.

2. RECOMMENDATIONS

That the Council endorses the draft consultation response at **APPENDIX A**.

3. SUMMARY OF KEY ISSUES

- 3.1 This consultation seeks views on the introduction of a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils investigating serious breaches of their Member codes of conduct, including the introduction of the power of suspension. Anyone can access and respond to the consultation at <https://consult.communities.gov.uk/local-government-standards-and-conduct/strengthening-the-standards-and-conduct-framework/>
- 3.2 The consultation closes on 26 February 2025, and it is suggested that a formal response from MDC is given.
- 3.3 The Group Leaders have been engaged and broadly support changes to the standards regime.
- 3.4 A draft Consultation response has been put together on this basis, with a copy attached at **APPENDIX A**. Members are requested to endorse this response or provide any additional updates.

4. CONCLUSION

- 4.1 This paper seeks approval for the draft consultation response as set out.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

- 5.1 None.

6. IMPLICATIONS

- (i) **Impact on Customers** – Thought has been given in the draft response to the impact on our residents.
- (ii) **Impact on Equalities** – The response considers the impact on equalities.
- (iii) **Impact on Risk (including Fraud implications)** – None.
- (iv) **Impact on Resources (financial)** – Not applicable (n/a).
- (v) **Impact on Resources (human)** – N/a.

Background Papers: None

Enquiries to: Emma Holmes, Lead Specialist: Legal and Monitoring Officer.

DRAFT RESPONSES TO STANDARDS CONSULTATION

Question 1

Responding to this consultation as:

District Council

Question 2

Do you think the government should prescribe a mandatory minimum code of conduct for local authorities in England?

Yes

No

If no, why not?

Question 3

If yes, do you agree there should be scope for local authorities to add to a mandatory minimum code of conduct to reflect specific local challenges?

Yes – it is important that local authorities have flexibility to add to a prescribed code

No – a prescribed code should be uniform across the country

Unsure

Question 4

Do you think the government should set out a code of conduct requirement for members to cooperate with investigations into code breaches?

Yes

No

Unsure

STANDARDS COMMITTEES**Question 5**

Does your local authority currently maintain a standards committee?

Yes

No

Any further comments

Question 6

Should all principal authorities be required to form a standards committee?

Yes

No

Any further comments

Question 7

In most principal authorities, code of conduct complaints are typically submitted in the first instance to the local authority Monitoring Officer to triage, before referring a case for full investigation. Should all alleged code of conduct breaches which are referred for investigation be heard by the relevant principal authority's standards committee?

Yes, decisions should only be heard by standards committees

No, local authorities should have discretion to allow decisions to be taken by full council

Unsure Our procedures allow for the Monitoring Officer to consider an investigation and decide if the matter should proceed to a Standards Committee. This should remain. Decisions should not be passed to full Council for decision.

Question 8

Do you agree that the Independent Person and co-opted members should be given voting rights?

Yes – this is important for ensuring objectivity

No – only elected members of the council in question should have voting rights

Unsure

Question 9

Should standards committees be chaired by the Independent Person?

Yes

No

Unsure

Question 10

If you have further views on ensuring fairness and objectivity and reducing incidences of vexatious complaints, please use the free text box below.

Any complaint between members should be viewed by the Independent Person at an early opportunity. The independent person should be required to agree to further investigation or to prevent the complaint proceeding any further.

The role of the Independent person is important to ensure an objective view can be provided and to identify any vexatious complaints.

Question 11

Should local authorities be required to publish annually a list of allegations of code of conduct breaches, and any investigation outcomes?

Yes - the public should have full access to all allegations and investigation outcomes

No - only cases in which a member is found guilty of wrongdoing should be published

Other views – text box

Question 12

Should investigations into the conduct of members who stand down before a decision continue to their conclusion, and the findings be published?

Yes

No

Unsure

Question 13

If responding as a local authority, what is the average number of complaints against elected members that you receive over a 12-month period?

Year 2024/25 currently 13

2023/24 - 3 Complaints

22/23 - 6 Complaints

Question 13a

For the above, where possible, please provide a breakdown for complaints made by officers, other elected members, the public, or any other source:

24/25

Complaints made by officers - 0

Complaints made by other elected members - 10

Complaints made by the public - 2

Complaints made by any other source – 1

Question 14

If you currently work, or have worked, within a local authority, have you ever been the victim of (or witnessed) an instance of misconduct by an elected member and felt that you could not come forward? Please give reasons if you feel comfortable doing so.

Yes

No

Not applicable

Question 15

If you are an elected member, have you ever been subject to a code of conduct complaint? If so, did you feel you received appropriate support to engage with the investigation?

Yes

No

Not applicable

Question 16

If you did come forward as a victim or witness, what support did you receive, and from whom? Is there additional support you would have liked to receive?

The Council has an employee assistance programme which is available to Councillors which provides general support. There should be available impartial support to both parties which should include counselling and advice.

Question 17

In your view, what measures would help to ensure that people who are victims of, or witness, serious councillor misconduct feel comfortable coming forward and raising a complaint?

Question 18

Do you think local authorities should be given the power to suspend elected members for serious code of conduct breaches?

Yes – authorities should be given the power to suspend members

No – authorities should not be given the power to suspend members

Unsure

Question 19

Do you think that it is appropriate for a standards committee to have the power to suspend members, or should this be the role of an independent body?

Yes - the decision to suspend for serious code of conduct breaches should be for the standards committee

No - a decision to suspend should be referred to an independent body

Unsure

[Free text box]

Question 20

Where it is deemed that suspension is an appropriate response to a code of conduct breach, should local authorities be required to nominate an alternative point of contact for constituents during their absence?

Yes – councils should be required to ensure that constituents have an alternative point of contact during a councillor’s suspension

No – it should be for individual councils to determine their own arrangements for managing constituents’ representation during a period of councillor suspension

Unsure

Question 21

If the government reintroduced the power of suspension, do you think there should be a maximum length of suspension?

Yes – the government should set a maximum length of suspension of 6 months

Yes – however the government should set a different maximum length (in months) [Number box]

No – I do not think the government should set a maximum length of suspension

Unsure

Question 22

If yes, how frequently do you consider councils would be likely to make use of the maximum length of suspension?

Infrequently – likely to be applied only to the most egregious code of conduct breaches

Frequently – likely to be applied in most cases, with some exceptions for less serious breaches

Almost always – likely to be the default length of suspension for code of conduct breaches

Unsure

Question 23

Should local authorities have the power to withhold allowances from suspended councillors in cases where they deem it appropriate?

Yes – councils should have the option to withhold allowances from suspended councillors

No – suspended councillors should continue to receive allowances

Unsure

Question 24

Do you think it should be put beyond doubt that local authorities have the power to ban suspended councillors from council premises and to withdraw the use of council facilities in cases where they deem it appropriate?

Yes – premises and facilities bans are an important tool in tackling serious conduct issues

No – suspended councillors should still be able to use council premises and facilities

Unsure

Question 25

Do you agree that the power to withhold members’ allowances and to implement premises and facilities bans should also be standalone sanctions in their own right?

Yes

No

Unsure

Question 26

Do you think the power to suspend councillors on an interim basis pending the outcome of an investigation would be an appropriate measure?

Yes, powers to suspend on an interim basis would be necessary

No, interim suspension would not be necessary

Any further comments

This power should only be available in serious conduct cases relating to a criminal action and with supporting information or advice from the Police or other statutory agency.

Question 27

Do you agree that local authorities should have the power to impose premises and facilities bans on councillors who are suspended on an interim basis?

Yes - the option to institute premises and facilities bans whilst serious misconduct cases are investigated is important

No - members whose investigations are ongoing should retain access to council premises and facilities

Unsure

Question 28

Do you think councils should be able to impose an interim suspension for any period of time they deem fit?

Yes

No

Any further comments

Question 29

Do you agree that an interim suspension should initially be for up to a maximum of 3 months, and then subject to review?

Yes

No

Any further comments [free text box]

Question 30

If following a 3-month review of an interim suspension, a standards committee decided to extend, do you think there should be safeguards to ensure a period of interim extension is not allowed to run on unchecked?

Yes – there should be safeguards

No – councils will know the details of individual cases and should be trusted to act responsibly

Question 30a

If you answered yes to above question, what safeguards do you think might be needed to ensure that unlimited suspension is not misused?

The independent Person must agree to ensure that this decision is not political and/or other statutory agencies support this e.g. Police in case of serious criminal allegations. The decision should be reviewed by Full Council.

Question 31

Do you think councillors should be disqualified if subject to suspension more than once?

Yes – twice within a 5-year period should result in disqualification for 5 years

Yes – but for a different length of time and/or within a different timeframe

2 Breaches in 4 years to reflect length of office

No - the power to suspend members whenever they breach codes of conduct is sufficient

Any other comments

Question 32

Is there a case for immediate disqualification for gross misconduct, for example in instances of theft or physical violence impacting the safety of other members and/or officers, provided there has been an investigation of the incident and the member has had a chance to respond before a decision is made?

Yes

No

Unsure

This should only be available in serious cases which could result in a criminal conviction possibly where information has been provided by the Police or other statutory agency.

Question 33

Should members have the right to appeal a decision to suspend them?

Yes - it is right that any member issued with a sanction of suspension can appeal the decision

No – a council's decision following consideration of an investigation should be final

Unsure

Question 34

Should suspended members have to make their appeal within a set timeframe?

Yes – within 5 days of the decision is appropriate to ensure an efficient process

Yes – but within a different length of time (in days) [Number box]

No – there should be no time limit for appealing a decision

Question 35

Do you consider that a complainant should have a right of appeal when a decision is taken not to investigate their complaint?

Yes

No

Unsure

Question 36

Do you consider that a complainant should have a right of appeal when an allegation of misconduct is not upheld?

Yes

No

Unsure

Question 37

If you answered yes to either of the previous two questions, please use the free text box below to share views on what you think is the most suitable route of appeal for either or both situations.

N/A

Question 38

Do you think there is a need for an external national body to hear appeals?

Yes – an external appeals body would help to uphold impartiality

No – appeals cases should be heard by an internal panel

Any further comments [free text box]

Question 39

If you think there is a need for an external national appeals body, do you think it should:

Be limited to hearing elected member appeals

Be limited to hearing claimant appeals

Both of the above should be in scope

Please explain your answer

Where a member has had sanctions imposed which remove allowances, suspension or disqualifications (the more serious sanctions) then they should have a right to appeal to ensure any allegations of political motivation can be ruled out and that decisions are independently reviewed.

Question 40

In your view, would the proposed reforms to the local government standards and conduct framework particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

it would benefit individuals with protected characteristics

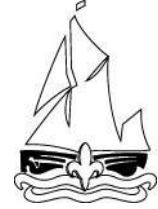
it would disadvantage individuals with protected characteristics

neither

Please use the text box below to make any further comment on this question.

The standards and conduct of members should be robust enough to ensure that all councillors and members of the public regardless of any protected characteristics have reassurance that where poor conduct is alleged this will be investigated in a fair, transparent and timely manner. They also need to see a consequence to more serious breaches of the code and that appropriate sanctions are imposed.

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**REPORT of
DEPUTY CHIEF EXECUTIVE**

**to
COUNCIL
13 FEBRUARY 2025**

STATEMENT OF LICENSING POLICY 2025-2030

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek Member approval for the adoption of the reviewed Statement of Licensing Policy 2025-2030 made as required under the Licensing Act 2005.

2. RECOMMENDATION

That Council approves the adoption of the Statement of Licensing Policy 2025-2030 presented in **APPENDIX A**.

3. SUMMARY OF KEY ISSUES

- 3.1 Maldon District Council (the Council) as a Licensing Authority under the Licensing Act 2003 (as amended) is required to publish a Statement of Licensing Policy (the Policy). This document outlines the Council's general approach to upholding the licensing objectives when making decisions on applications under 'The Act'.
- 3.2 The Council's existing Policy was published in January 2019 with an intended operational lifespan of five years. Consequently, the Policy is now outdated and requires renewal.
- 3.3 On 16 July 2024, the Licensing Committee considered a revised Policy drafted by officers and approved that it be published for a period of public consultation.
- 3.4 Public consultation of the revised Policy commenced on 26 August 2024 for a period of six weeks ending on 14 October 2024. The consultation was hosted on the Council's website and comments were invited either by email or via a MS Form. Additionally, the Council contacted a range of stakeholders (as agreed by the Licensing Committee) highlighting the proposed Policy and inviting comments.
- 3.5 The Council received responses from three consultees:
- Essex Police
 - Woodham Walter Parish Council
 - Maldon District Council Economic Development Team
- 3.6 Woodham Water Parish Council made the following comment: *"Ref Para 49- We request that Parish Councils are added to the list of consultees. We consider that*

Parish Councils should be notified of applications and entitled to make representation on applications within parish boundaries”.

- 3.7 Under the Licensing Act 2003, Ward and Parish Councils are not statutory consultees and so it is not appropriate to amend paragraph 49 as requested. They are however able to submit representations the normal way during the consultation period as "other persons", provided their comments are relevant to the licensing objectives. Currently the Council is unable to generate an automatic notification to Parish Council's where an application is received within their area however all premises licence applications are published on the Council's website. The Head of Environmental Health, Waste and Climate has contacted Woodham Walter Parish Council to advise as above.
- 3.8 Whilst we have made a number of minor technical amendments to the original policy to reflect comments from Essex Police, there were no other material changes required.
- 3.9 The policy was amended to ensure it is compliant with Maldon District Council's Equality, Diversity and Inclusion policy.

4. CONCLUSION

- 4.1 The Statement of Licensing Policy has been reviewed and updated as required by law.
- 4.2 The Council undertook a public consultation exercise of the draft Policy and has incorporated minor amendments suggested by consultees into the final proposed policy presented in **APPENDIX A**.
- 4.3 Once the Policy has been agreed by Members then the highlighted elements of paragraph 10 will be completed before publication.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Supporting our communities

- 5.1.1 The Statement of Licensing Policy provides transparency of process to both applicants and stakeholders. It sets out our commitments to achieving the four licensing objectives of; prevention of crime and disorder, public safety, prevention of public nuisance, protection of children from harm.
- 5.1.2 Well managed licensed premises can help support this ambition by providing opportunities for people to come together and socialise.

5.2 Growing our economy

- 5.2.1 Licensed Premises are a key feature in a thriving local economy. This policy helps promote diversity in licenced premises and ensures that decisions are made on a clear and consistent basis.

5.3 Investing in our District

- 5.3.1 A sound Statement of Licensing Policy helps ensure that decision making is robust and consistent. This in turn helps mitigate the risks associated with legal challenges and associated costs.

5.4 Protecting our Environment

- 5.4.1 Whilst environmental concerns are not one of the four licensing objectives it can be linked to public nuisance. Consequently, this policy enables the Council to address concerns with litter, artificial light or noise associated with licensed premises.

5.5 Delivery good quality services.

- 5.5.1 The Council is legally required to maintain an up-to-date Statement of Licensing Policy.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – The revised Policy ensures that all stakeholders are treated consistently and equitably. It ensures that information provided to applicants is clear and accurate.
- (iii) **Impact on Risk (including Fraud implications)** – It is important that the Council periodically review its Statement of Licensing Policy to ensure that it is compliant with relevant legislation. This policy provides clarity to all stakeholders of the requirements placed upon applicants and the decision-making processes that will be followed when determining a licence reducing the risk to the Council of challenge and / or appeal.
- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal. There is no budgetary impact to this policy.
- (v) **Impact on Resources (human)** – There is limited / minimal impact.

Background Papers:

- **APPENDIX A** - Maldon District Council's Statement of Licensing Policy 2024-2029 (DRAFT)
- [Licensing Act 2003 \(As amended\)](#)
- [Licensing Act 2003: statutory guidance](#)

Enquiries to: Nick Chapman, Head of Environmental Health, Waste and Climate Action.

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Document Title	Licensing Act 2003: Statement of Licensing Policy
Summary of purpose	Legal requirement: to provide transparency and consistency of approach when determining licensing decisions
Prepared by	
Status	Final
Version Number	3
Approved by	Licensing Committee and Council
Approval Date	TBC
Date of implementation	TBC
Review frequency	5 Years
Next Review Date	January 2029
Circulation	Public Document
Published on the Council's website	Yes

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



MALDON DISTRICT COUNCIL

Licensing Act 2003

Statement of Licensing Policy

February 2025

Contents

Introduction: Maldon District	5
Statutory Powers	5
Policy Development	6
How to Read this Policy	6
Extent of Policy	6
Activities on Council Land	7
Licensing Objectives	7
Links to Other Strategies	7
Regulated Entertainment	8
Fundamental Rights	8
Licensing Conditions	8
Applications	9
Representations	10
Temporary Event Notices	11
Delegation of Functions	11
Consideration of Additional Controls (Cumulative Impact and Early Morning Restrictions)	12
Advice and Guidance	13
Consultation	13
Enforcement	14
Reviews	14
Licensing Objectives	15
Prevention of Crime and Disorder	16
Public Safety	18
Counter Terrorism and Public Safety	19
Prevention of Public Nuisance	19
Protection of Children from Harm	21
Appendix 1- Application Process	24
Appendix 2- Contact Details	32
Appendix 3- Exemptions	37
Appendix 4- Mandatory Conditions	40
Appendix 5- Non-Mandatory Conditions	45
Appendix 6- Pool of Conditions: Public Safety	51
Appendix 7- Pool of Conditions: Theatres, Cinemas, Concert Halls and Similar	57
Appendix 8- Pool of Conditions: Prevention of Public Nuisance	61

Appendix 9- Pool of Conditions: Protection of Children from Harm63
Appendix 10- Terms of Reference and Delegated Powers68
Appendix 11- Definitions73

Introduction: Maldon District

1. The Maldon District, encompassing a population of approximately 66,000, predominantly retains a rural character, boasting a coastline spanning approximately 96 kilometres and covering a total area of 360 square kilometres.
2. The principal towns within the district, namely Maldon and Burnham-on-Crouch, are surrounded by a myriad of villages, each characterized by its distinct individuality.
3. There are few major concentrations of premises in the District providing regulated entertainment and/or the retail of alcohol. There are also few private clubs, no dedicated theatres and one cinema. Cultural activities often find venues in village, community, and school halls.
4. Public houses in the district, located outside the main towns, serve the small rural villages, acting as central hubs for community life and contributing to the visitor economy. Alternatively, small stores and shops, frequently retailing alcohol, may serve as focal points in other cases.
5. Late-night refreshment premises primarily reside in the two main towns.
6. Given the district's rural nature, premises, and events subject to licensing under the Licensing Act 2003 (as amended) can play a significant role in contributing to the local economy through tourism and cultural development.

Statutory Powers

7. Statutorily, Maldon District Council (the Council) functions as the Licensing Authority under the Licensing Act 2003 (as amended). The Council holds responsibility for the issuance of Premises Licences, Club Premises Certificates, and Personal Licences. Additionally, it receives Temporary Event Notices within the Maldon District, pertaining to the retail sale and/or supply of alcohol, the provision of regulated entertainment, and late-night refreshment.
8. The Licensing Act 2003 (as amended) ('The Act') mandates the Licensing Authority to fulfil its various licensing functions, with a primary focus on promoting four key licensing objectives:
 - Prevention of Crime and Disorder: Ensuring licensed activities do not contribute to criminal activities or disorderly conduct.
 - Public Safety: Safeguarding the well-being and safety of the public in areas impacted by licensed activities.
 - Prevention of Public Nuisance: Mitigating any disturbances or inconveniences caused by licensed activities to the public.
 - Protection of Children from Harm: Safeguarding minors from any potential harm arising from licensed activities.
9. These objectives exclusively guide the Licensing Authority in determining applications or imposing conditions on Licences or Certificates under The Act. They are the only

matters the Licensing Authority can take into account in determining any application or imposing any condition on a licence or certificate issued under The Act.

10. In adherence to The Act, the Licensing Authority must publish a Statement of Licensing Policy (the Policy). The Policy outlines the Council's general approach to uphold the licensing objectives when making decisions on applications made under The Act. This Policy will remain in force for up to five years. It may be subject to periodic review and will subject to further consultation when it is replaced. This Policy will come into effect on XXXXX and remain in force up to XXXXXX + 5

Policy Development

11. The Policy has been prepared in accordance with the provisions of the Act and having regard to the Statutory Guidance issued under Section 182 of The Act.

How to Read this Policy

12. When assessing applications, the Licensing Authority must be satisfied that the measures proposed in an applicant's operating schedule aim to achieve the 4 licensing objectives.
13. The term licence in this Policy is used as a general term to refer to the range of licences, certificates, notices and permissions under The Act.
14. The Licensing Policy is contained within paragraphs 17 to 116 of this document and is supported by other sections that provide important information aimed at helping those reading or referring to it. The information provided outside paragraphs these paragraphs and the appendices may be subject to change from time to time, but any such changes will not invoke the procedures for revisions of the Licensing Policy referred to in Section 5 of the Act.
15. The Licensing Authority is obliged to have regard to the statutory guidance issued under section 182 of The Act that is in effect at the time an application is received. Therefore, any revised guidance issued during the life of this policy may impact on how an application is determined. Applicants and their representatives are therefore also advised to consider the most recent guidance when making their application.
16. The Council, as Licensing Authority may depart from this policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. Where there is a deviation from this policy, the reasons for that decision will be recorded.

Extent of Policy

17. This Policy cannot detail all the factors that influence the achievement of the licensing objectives, nor can it detail all the control measures that may be appropriate. It should be recognised that this Policy covers a broad variety of premises and associated activities including theatres, cinemas, restaurants, public houses, nightclubs, private members' clubs, village halls and community centres, as well as some shops, stores and supermarkets, off-licences, and the provision of late refreshment (premises and vehicles selling hot food or hot drink after 11.00 pm).

Activities on Council Land

18. The Council is aware that its own land and premises provide the venues for some types of regulated entertainment. In these cases, it will consider seeking Premises Licences for these public places to support the provision of cultural and other events in the district and encourage a broad range of entertainment, particularly live music, dance and theatre for the wider benefit of the community.

Licensing Objectives

19. In respect of each of the 4 licensing objectives, applicants must consider what measures need to be implemented and maintained in respect of each of the licensing objectives – taking into account the individual style and characteristics of their premises and the types of licensable activities and events they are applying for.
20. Applicants must consider whether or not any additional measures are required in respect of any occasional or specific events intended to, or are likely to, attract larger audiences, or planned on open areas to manage or control any adverse impact on the licensing objectives.
21. The measures that the applicant intends to put in place to meet the licensing objectives should be set out in the applicant's operating schedule.
22. If an application for a premises licence or club premises certificate has been lawfully made and no representations are received, the licence or certificate will be issued as requested subject only to mandatory conditions and those that are consistent with the operating schedule provided with the application.

Links to Other Strategies

23. In preparing the Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure the proper co-ordination and integration of the aims and actions of these policies. The review and development of these various strategies will be considered for their impact on the Policy.
24. The Licensing Authority will, as appropriate, take account of the needs of and any relevant information in relation to crime prevention, planning, transport, tourism, economic development, and any cultural issues. The Licensing Authority will monitor these areas and ensure that the development or review of any new or existing strategies covering them will reflect the licensing objectives set out in the Policy. Where such monitoring shows that licensed activities are impacting adversely on these areas, it will be reported to the Licensing Committee and any other Committee of the Council having responsibility for those areas which may lead to a review of the Policy.
25. To ensure proper integration with the Council's planning policies, reports will be submitted where appropriate on the situation regarding licensed premises in the district and their general impact on alcohol related crime and disorder to enable informed decisions to be made on planning issues.

26. The Licensing Authority recognises its responsibilities under the Equality Act 2010. This statement of Licensing Policy sets out the principles on which the Council will process and determine applications thereby promoting transparency and fairness. This will include ensuring that Licensing applicants and stakeholders with different protected characteristics can access the licensing process.

Regulated Entertainment

27. The Licensing Authority welcomes a diverse provision of cultural activities for the benefit of communities. The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses etc. to ensure that such events are promoted without unreasonable restrictions being imposed which would discourage such events.
28. The Licensing Authority recognises the need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly for children. Where conflicts arise, advice and guidance on this matter will be sought from appropriate services within the Council and from the Responsible Authorities.
29. The Licensing Authority will adopt a similar approach to local sports clubs in relation to the premises they use and any events they hold involving the provision of regulated entertainment.

Fundamental Rights

30. The Policy does not seek to undermine the rights of any person to apply under the Act, as amended, for a variety of permissions and to have their application considered on its individual merits, nor does it override the rights of any person to make representations on any application or to seek a review of a licence where they have grounds to do so under the Act.
31. Applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

Licensing Conditions

32. Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of The Act. Conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holders and others with relevant authorisations (ie the premises and its vicinity).
33. The Licensing function is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.

34. Where relevant representations are received, the Licensing Authority will seek to make objective judgements as to whether conditions need to be attached to a licence which are appropriate to the licensing objectives. Where no relevant representations are made, an application must be granted on the terms sought.
35. Any action or undertaking that an applicant includes in their operating schedule will be translated into a condition attached to the issued licence or certificate. If an applicant volunteers a prohibition or restriction in his operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will also become conditions attached to a licence and will be enforceable as such.
36. Where a standard Temporary Event Notice (TEN) has been given to the Licensing Authority, If a hearing is required following an unwithdrawn objection notice from either the Police or Responsible Authority for Environmental Health, the authority may impose conditions on the event from a current licence if the proposed activity is taking place in connection with a premises that is already licensed or determine that the event should not take place.
37. Conditions cannot be applied to a Late TEN. If an objection notice is received from the police or responsible authority for environmental health following a Late TEN, the event cannot lawfully take place.
38. Any conditions arising from an operating schedule or from representation made by a Responsible Authority will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. Conditions will be proportionate, relate to achieving the licence objectives and cover matters that are within the control of the licence holder or their staff.
39. Licence conditions should not reproduce any legal obligation that the licence holder already has under other existing legislation. The licensing authority will avoid attaching conditions that duplicate other regulatory regimes as far as possible.
40. The Licensing Authority recognises that each application should be considered on its own merit. Conditions attached to a licence or certificate will be tailored to reflect the nature of the premises, location and the activity or event so that they are not disproportionate and over-burdensome conditions. Standard conditions, other than the mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be necessary for the promotion of the licensing objectives.
41. The licensing authority may, provide or publish advice to applicants on how conditions may be constructed and worded on the licence (a 'pool of model conditions')

Applications

42. When considering any application, the Licensing Authority will, wherever possible, avoid duplication with other regulatory regimes and will not use the licensing regime to achieve outcomes that can be achieved by other legislation.
43. The licensing functions are discharged separately from and independent of the Council's functions as the local planning authority. No decision of the Licensing

Authority implies that the consent of the Council has been granted under any other statutory powers or as a landowner. The licensing regime cannot be used to consider the need or commercial demand for an activity for which a licence has been applied for.

44. There are, however, links between the planning and licensing functions that cannot be ignored. Where a business has indicated, when applying for a licence that they are also applying for planning permission, licensing officers or the relevant licensing committee may discuss the application with their planning counterparts opening hours or scheme received prior to determination. Applications for a licence will be expected to reflect any operating hours that are stipulated as part of a condition of a planning permission. Where they do not, the hours granted in the Premises Licence should not, under planning law, be operated unless and until the conditions of the planning permission have been amended.
45. Other permissions may also be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.
46. New businesses and premises involving licensable activities, particularly where they are part of a new development or major alterations to existing premises, provide an opportunity to take early account of meeting the crime and disorder licensing objective. In such cases, the Licensing Authority will expect that the 'secured by design' approach has been taken into consideration.
47. When one part of the Council seeks a Premises Licence from the Licensing Authority, the application will be considered on the same basis as any other application received. If relevant representations are made they will be considered fairly and impartially by the Licensing Sub-Committee. Those making representations who are genuinely aggrieved by a positive decision in favour of the Council's application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent hearing of any decision made.
48. Applications for licences made under the Act must be made in a form prescribed by regulations and must be accompanied by all prescribed information and documents, including the relevant fee where required. Applications received by the Licensing Authority will be assessed on receipt for compliance with these regulations and any application found to be incomplete or incorrect will be returned with an explanation.

Representations

49. The following are responsible authorities who must be notified of applications and are entitled to make representations. The details and contact arrangements for the responsible authorities are appended to this policy:
 - a. The Licensing Authority (Maldon District Council) and any neighbouring licensing authority in whose area part of the premises is situated.
 - b. The Chief Officer of Essex Police,
 - c. Essex County Fire and Rescue Authority,
 - d. The Enforcing Authority for Health and Safety (in most cases this will be Maldon District Council's Environmental Health team but may be the Health and Safety Executive)
 - e. The Local Planning Authority (Maldon District Council)

- f. The Local Pollution Authority (Maldon District Council's Environmental health department)
- g. The Child Protection Authority (Essex County Council's Children's Safeguarding Service);
- h. The Local Authority's Director of Public Health (Essex County Council Public Health Team)
- i. The local weights and measures authority (Essex County Council Trading Standards)
- j. The Home Office (Immigration Enforcement)

As such, these bodies are consulted and may make representations on applications, so far as they relate to the promotion of the 4 licensing objectives and may request reviews once licences have been issued.

50. If an application is received in relation to a vessel, the responsible authorities will also include the navigation authority that has a statutory function in relation to the water where the vessel is usually moored or berthed, or any waters where it is proposed to be navigated when being used for licensable activities.
51. Any other person (individual, body or premises) is entitled to raise relevant representations – either in their own right or through a representative making the representation on their behalf. A representation is relevant if it relates to the likely effect of the grant of a licence on the promotion of at least one of the 4 licensing objectives. In addition, the representation must not be frivolous or vexatious and in the case of reviews, not repetitious.

Temporary Event Notices

52. Certain temporary events are not required to be licensed but notification must be given to the Licensing Authority, Maldon District Council Environmental Health and Essex Police in the form of a Temporary Event Notice (TEN). Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Licensing Authority and Environmental Health to work with them to identify and reduce the impact of the event on the 4 licensing objectives.
53. The Act provides for Late Temporary Event Notices to be given up to five working days before the event. The Licensing Authority will process late Temporary Event Notices, but premises users should note that the intention is that they are reserved for circumstances outside the applicant's control where there is a genuine need for a late notice. Any representation from the Police or Pollution team received following a late TEN will result in a counter notice meaning that the event cannot lawfully take place.

Delegation of Functions

54. With the exception of the approval and review of its Licensing Policy and the making of early morning restriction orders, late night levies and fee setting, decisions on licensing matters will be taken in accordance with an approved Scheme of Delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Licensing Committee may receive or reports regarding licences determined by officers

and Licensing Sub-Committees under delegated powers in order to maintain an overview of the general licensing situation.

Consideration of Additional Controls (Cumulative Impact and Early Morning Restrictions)

55. There can be confusion about the difference between need and the cumulative impact of premises on the licensing objectives. Need concerns commercial demand, e.g. for another public house, restaurant or hotel; it is not a matter for the Licensing Authority or for this Policy. Nothing in this Policy will seek to limit the number of licensed premises on the basis that there are already sufficient to satisfy demand. This is a matter for market forces, or in cases where a planning application is required, for the planning process and as such falls outside the scope of this Policy.
56. Cumulative impact is the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider in developing the Policy.
57. The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets, with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local area can be placed under severe pressure although the impact may not be attributable to any individual premises.
58. The Licensing Authority will only consider adopting a policy on cumulative impact or introducing an early morning restriction order (EMRO) if there is evidence that a significant number of licensed premises concentrated in one area results in unacceptable levels of crime and disorder, public nuisance or otherwise impacts on the licensing objectives.
59. The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the Maldon District having such an impact on any of the licensing objectives or giving rise to significant additional policing of the night-time economy that would require the introduction of such additional controls.
60. This does not exclude the ability to consider undertaking a Cumulative Impact Assessment or EMRO should the need arise.
61. Any consideration of introducing additional controls will be evidence based and appropriate for the promotion of the licensing objectives. Evidence may be considered from the Chief Officer of Essex Police, other appropriate regulatory authorities, partners, responsible authorities, community safety partnerships, businesses, and the Licensing Authority's own experience. The onus being on the person or authority making the representation to provide evidence that the relevant control is necessary to promote the licensing objectives. The Licensing Authority will also have due regard to the relevant Government Guidance.

62. Once away from the licensed premises, a minority of consumers will behave badly. There are other mechanisms that are available to Maldon District Council (both within and outside the licensing regime) to help address such issues. Any mechanism will need to consider the relevant published guidance and/or legislation and the relative benefits and drawbacks and may include:
- Planning controls
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority, including best practice schemes eg 'Licensing Savi' such as Best Bar None, Pubwatch, Purple Flag or BIDs etc;
 - Public Space Protection Orders
 - Community Protection Orders
 - The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
 - Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
 - The confiscation of alcohol from adults and children in designated areas.
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
 - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
 - Consideration of contributing to policing the late night economy through the introduction of a 'Late Night Levy'.

Advice and Guidance

63. The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Act can provide and the diversity of activities that are provided by licence holders. For this reason, pre-application discussions are encouraged to assist applicants develop their operating schedule.
64. The Licensing Authority would encourage applicants to seek the views of responsible authorities and those from whom they think representations are likely, prior to submitting their application (in particular in relation to proposed outdoor events or where the applicant considers that representations may be likely or probable). Where resources permit, the Licensing Authority may also seek to liaise with applicants and/or mediate between applicants and responsible authorities to achieve a satisfactory outcome for all involved.
65. Once an application has been lodged, the statutory timescales imposed upon the application and determination process will restrict the opportunity for discussion and liaison.

Consultation

66. There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns

that require consideration as part of the licensing function and the promotion of the licensing objectives.

67. In developing and reviewing this Policy, the Licensing Authority will consult with the statutory persons and invite views of other bodies or individuals as deemed appropriate. These will be listed in an appendix to the policy or its review. Due consideration will be given to those who respond to the consultation process.

Enforcement

68. The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a level playing field on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the 4 licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who commit serious offences or consistently break the law.
69. The Council has regard to the Regulators Code in developing its enforcement approach and will:
- Carry out our activities in a way that supports those they regulate to comply and grow.
 - Provide simple and straightforward ways to engage with those we regulate.
 - Base our regulatory activity on risk.
 - Give clear information, guidance, and advice to help those we regulate to meet their responsibilities to comply.
 - Where the law allows, share information about compliance and risk to help target resources and minimise duplication.
 - Give clear explanations on what needs to be done and by when;

Businesses will:

- have opportunities to resolve differences before enforcement action is taken unless immediate action is needed.
 - receive an explanation of their rights of appeal
70. The Council's Enforcement Policy and corporate feedback procedure for complaints is available on the Council's website: www.maldon.gov.uk.

Reviews

71. The Act provides a mechanism for reviewing Premises Licences where problems associated with achieving the licensing objectives occur. No more than one review originating from a person other than a responsible authority will normally be permitted on similar grounds within any 12 month period, except in exceptional and compelling circumstances.. In addition, where premises are associated with serious crime or serious disorder a senior police officer may apply for a review of the Premises Licence which may result in:

- the modification of the conditions of the Premises Licence.
- the exclusion of an activity or activities from the scope of the licence.
- the removal of the designated premises supervisor from the licence.
- the suspension or revocation of the licence.

The initial decision may be determined in the absence of the Premises Licence holder. A review must then take place within 28 days of the application for review.

72. Responsible Authorities or any other person can trigger a review of a Premises Licence but must provide evidence to the Licensing Authority to substantiate any allegations.

Licensing Objectives

73. The following sections set out the Licensing Authority's Policy relating specifically to the 4 licensing objectives:

- prevention of crime and disorder,
- public safety,
- prevention of public nuisance; and
- protection of children from harm.

74. Each section lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this Policy applies, the lists provided are not exhaustive. Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.
75. Further, in each section, a list of possible control measures is provided for the assistance of applicants, but again this is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
76. The selection of control measures, referred to above, should be based upon a risk assessment of the premises, events, activities and the age, number and characteristics of customers expected to attend. Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff as well as a sound basis to enable the licence holder to respond to changing circumstances/conditions at the premises.
77. Additional measures may be necessary on an occasional or specific basis such as when a special event or promotion is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature. These can often have a significant impact on the achievement of the licensing objectives. Where applicable, reference should be made in an applicant's operating schedule to such occasions and the additional measures that are planned in order to achieve the licensing objectives.
78. The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most important control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority would expect these

elements to be specifically considered and addressed within an applicant's operating schedule.

79. In addition, the number of people who can be accommodated in the premises (or at specific events as appropriate) is also considered to be an essential factor in the achievement of the 4 licensing objectives. This may not apply in the case of premises licensed for the consumption of food and / or alcohol off the premises. The Licensing Authority would expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity based on the applicant's assessment within their operating schedule.
80. The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:
- nature of the premises or event;
 - nature of the licensable activities being provided;
 - provision or removal of items such as temporary structure, including a stage or furniture;
 - number of staff available to supervise people attending the premises under normal circumstances and in the event of an emergency;
 - age of those people
 - people attending the premises with disabilities or special needs, e.g. those whose first language is not English; and
 - availability of suitable and sufficient sanitary accommodation.
81. The Licensing Authority will consider applications for minor variations to Premises Licences provided that the Authority is satisfied that the variation will not adversely impact on the licensing objectives. The Licensing Authority will consult with responsible authorities where appropriate to make such an assessment.
82. An agreement of a capacity for premises or events should not necessarily be seen as a requirement to provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records in all circumstances. The Licensing Authority recognises that the person in charge of small premises and events with simple layouts can often readily assess the number of people attending those premises or events without resort to such measures. Nevertheless, in larger or more complex premises or special events or promotions where that number cannot readily be assessed or is likely to be approached, an applicant should detail the additional arrangements that should be put in place to ensure that the permitted number of people attending the premises or event is not exceeded.

Prevention of Crime and Disorder

83. The Council is committed to further reducing crime and disorder within the Maldon District and helping people feel safe.

84. Legislation provides a wide range of measures for preventing crime and disorder and imposes a duty on the Council, Essex Police, Essex County Council and others to consider crime and disorder reduction in the exercise of all their duties.
85. The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to minimise or prevent crime and disorder, relevant to the individual style and characteristics of their premises and events.
86. When addressing the issue of crime and disorder, an applicant should demonstrate that those factors that impact on crime and disorder have been considered. These specifically include:
- underage drinking;
 - drunkenness on premises;
 - public drunkenness;
 - drugs;
 - violent behaviour; and
 - anti-social behaviour.
87. The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management;
 - training and supervision of staff;
 - adoption of best practice guidance (e.g. the National Alcohol Harm Reduction Strategy toolkit and other voluntary Codes of Practice, 'Security in Design', 'Drugs and Pubs' which are published by the British Beer and Pub Association (BBPA));
 - acceptance of accredited 'proof of age' cards or approved ID;
 - age challenge schemes such as 'Challenge 25';
 - provision of effective CCTV in and around premises;
 - employment of Security Industry Authority licensed door staff;
 - provision of toughened or plastic drinking vessels;
 - provision of secure deposit boxes for confiscated items;
 - provision of litter bins and other security measures such as lighting; and
 - membership of local 'Pubwatch' schemes or similar organisations.

Note: This Policy applies to a wide range of premises and activities and the above list will not be relevant in all cases.

88. Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Designated Premises Supervisor (DPS) must be named. The Licensing Authority will normally expect the DPS to have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence and, as such, would normally be present on the premises on a regular basis. In addition to the DPS holding a Personal Licence, the Licensing Authority would strongly encourage him to undergo additional training and to have

experience commensurate with the nature and style of the entertainment provided and the capacity of the premises.

Public Safety

89. The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.
90. The measures appropriate to promote public safety will vary between premises and the licensable activities. Applicants should consider which matters are applicable their application, what steps are appropriate and how they will be implemented. Factors to consider include:
- The number of people attending the premises;
 - age, condition, design and layout of the premises, including the means of escape;
 - nature of activities, in particular the sale or supply of alcohol and / or the provision of alcohol and / or the provision of music and dancing, including whether these activities are of a temporary or permanent nature;
 - hours of operation (differentiating between the hours of opening and the hours when the licensable activities will be provided);
 - Fire safety
 - Ensuring appropriate access for emergency services
 - How communication with local authorities and emergency services may be managed
 - First aiders and appropriate available first aid kits
 - The safety of people leaving the premises (including where appropriate access to late night transportation/information on local taxi services and the provision of lighting on paths or parking areas)
 - Management and disposal of waste (including glass)
 - Management of the capacity of the premises
 - The use of CCTV
 - Customer profile (age, disability, etc.); and
 - Use of special effects such as lasers, pyrotechnics, smoke machines, foam, etc.
91. The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and / or activities:
- suitable and sufficient risk assessments;
 - effective and responsible management;
 - provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event; Including where appropriate the presence of SIA registered door staff or security teams.
 - appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises or event;

- adoption of best practice or guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, the Event Safety Guide, and Managing Safety in Pubs published by the BBPA);
- provision of effective CCTV in and around the premises;
- provision of toughened or plastic drinking vessels;
- implementation of crowd management measures; and
- regular testing (and certification where appropriate) of procedures, appliances, systems, etc. pertinent to safety).

Note: This Policy applies to a wide range of premises and activities and the above list will not be relevant in all cases. In particular, in respect of vessels for which a Passenger Ship Certificate is in force, the public safety objective will be considered to be met in respect of layout, structure, access and operation of the vessel.

Counter Terrorism and Public Safety

92. The Licensing Authority will give due consideration to appropriate counterterrorism measures and advice when considering licence applications at any high profile or large premises or events or where the police have made representations (or expressed concerns in the pre-application stage) that there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.
93. The licensing authority will pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.
94. Additional conditions will be appropriate and proportionate to the venue and, depending on the size of an event, may include matters relating to the management of persons, items and vehicles entering and the premises. Additional conditions may also relate to health care provision in this regard.
95. Conditions, where appropriate may also be applied to ensure appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, (including, for example communications networks with the police and signing up for local incident alerts – as referred to in paragraph 2.4 of the Section 182 guidance, and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
96. In some instances, depending on the particular nature of the application, the licensing authority may tailor their approach, and go further when addressing concerns around possible terrorist or other such risks. The Licensing Authority will have regard to the Annex provided in the section 182 guidance to help inform and support the decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

Prevention of Public Nuisance

97. Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise from their operation. The Licensing Authority

recognises the need to maintain and protect the amenity of residents, visitors, and other businesses from the potential consequences of the operation of licensed premises, whilst balancing the rights of licensed premises to develop their business potential.

98. The Licensing Authority interprets the term public nuisance in relation to its meaning in common law. This includes issues such as noise nuisance, light pollution, noxious smells, litter, and anti-social behaviour where these interfere with the public as a class of citizens and not merely one person.
99. Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing public nuisance, relevant to the individual style and characteristics of their premises and events.
100. The Licensing Authority recognises the intention of the legislation in seeking a more flexible licensing regime with the concept of wider hours of operation. Conversely, it must be appreciated that premises seeking to provide late or unrestricted hours of operation can present a greater potential for public nuisance and adverse effect upon residential amenity. There will be occasions when proposals for extended or unrestricted hours of operation may be unsuitable, e.g. in residential areas.
101. Every application will be determined on its merits, but applicants wishing to operate between 23:00 and 08:00 hours should demonstrate to the satisfaction of the Licensing Authority in their operating schedule that there will minimise as far as reasonably practicable disturbance to members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises concerned.
102. When addressing the issue of prevention of public nuisance, an applicant should demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:
 - location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
 - consideration of existing levels of background noise and pervading climatic conditions
 - hours of opening, particularly between 23:00 and 08:00 hours;
 - nature of activities to be provided, the customer profile, whether the activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
 - design and layout of premises, in particular the presence of noise limiting features;
 - number of people attending the premises;
 - whether the venue or event is exclusively or primarily for the 'vertical' consumption of alcohol
 - availability of public transport;
 - a wind down period between the end of the licensable activities and closure; and
 - last admission time.

103. The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule, having regard to their particular type of premises and / or activities:
- effective and responsible management of premises;
 - appropriate instruction, training and supervision of those employed or engaged to prevent incident of public nuisance, (e.g. to ensure customers leave quietly);
 - control of opening hours for all or parts (e.g. garden areas) of the premises (including other times where deliveries take place) and the operation of noise generating plant and equipment;
 - adoption of best practice or guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs produced by the Institute of Acoustics, and Licensed Property Noise Control – Guidance document by the BBPA);
 - where appropriate, the installation of sound proofing, air conditioning, acoustic lobbies, sound ceilings, directional sound systems and sound limitation devices;
 - management of people, including staff and traffic (and resulting queues) arriving and leaving premises;
 - the presence of SIA registered door staff/security
 - liaison with public transport providers;
 - siting of external lighting, including security lighting;
 - management arrangements for collection and disposal of litter;
 - the location and management of external areas (including smoking areas) and
 - effective ventilation systems to prevent nuisance from odour.
104. In many circumstances live and amplified music is deregulated in premises licensed to sell alcohol for consumption on the premises. The Act still requires licensing controls after 23:00 or when the audience is likely to exceed 500 people. However, conditions or restrictions may be applied to control otherwise de-regulated activity by Committee following the review of a licence.

Protection of Children from Harm

105. The protection of children is a most important issue. The Licensing Act allows family friendly premises to thrive, but the risk and the prevention of harm to children remains of paramount importance when determining applications.
106. Dance that is sufficiently sexual in nature may be classed as “relevant entertainment” within the meaning of the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) and the premises is likely to require a licence as a sex entertainment venue under stricter licensing regime of the 1982 Act. If, however, the premises does not require a sex entertainment venue licence, an authorisation under the 2003 Act will be required.
107. As well as protecting children from harms directly associated with alcohol consumption and the risk of under-age sales, the protection of children from harm includes the protection of children from moral, psychological, and physical harm and, includes that which can arise from exposure to strong language, actual or feigned violence or sexual

acts and sexual or offensive language (including in the context of certain films, performances or adult entertainment). Applicants must consider the impact of all licensable activities on children including the times at which the events would take place to determine what controls (including minimum entry age) are required at what times. The applicant should also consider the proximity of schools and youth venues in the vicinity of the premises and ensure that advertising is appropriate and not displayed at times when children are likely to be near the premises.

108. When preparing an operating schedule, an applicant will need to set out the steps to be taken to protect children from harm, which may include, for example restrictions on the hours when children may be present, restrictions or exclusions when specified activities are taking place, restricting access to parts of the premises, general age restrictions (to exclude persons below the age of 18) requirements for an accompanying adult.
109. Applicants should demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.
110. It is not possible for this policy to anticipate every situation, and the licensing authority will deal with every application on its merits, taking a proportionate response in considering what conditions would be appropriate considering all aspects of the application, the premises concerned and its location. Whilst children may be adequately protected from harm by the action taken to protect adults, when addressing the issue of protecting children from harm, an applicant should demonstrate that those factors that impact on harm to children have been considered. Areas that will give particular concern in respect of children include:
- where entertainment or services of an adult or sexual nature are provided;
 - where there have been convictions of members of the staff at the premises for serving alcohol to minors or where the premises has a reputation for underage drinking;
 - it is known that unaccompanied children have been allowed access;
 - where there is a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises; and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
111. The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and / or activities:
- effective and responsible management;
 - provision of sufficient number of people employed or engaged to secure the protection of children, including child performers, from harm;
 - adoption of best practice or guidance (e.g. The Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks);
 - limitation on the hours when children may be present in all or parts of the premises;
 - limitation or exclusions by age when certain activities are taking place;

- measures to ensure children do not purchase, acquire or consume alcohol; and
 - measures to ensure children are not exposed to incidents of violence or disorder.
112. In the case of film exhibitions, the Act requires a mandatory condition to be included in all Premises Licences and Club Premises Certificates for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations of the British Board of Film Classification (BBFC) or the Licensing Authority itself. The grant of a Licence or Certificate authorising the exhibition of any film will be conditional upon such film having been classified by the BBFC or the Licensing Authority.
113. The Licensing Authority will expect Premises Licence and Club Premises Certificate holders and those who have given notice of a permitted temporary activity under the Act for the exhibition of any film to include in their operating schedule measures that restrict children from viewing age restricted films classified according to the recommendations of the BBFC or by the Licensing Authority.
114. The Licensing Authority expects that when a licensable activity is held mainly or exclusively for children and / or young persons under 18, there will be a sufficient number of staff, including supervisors, to ensure their safety. Every supervisor of those caring for children and young people should have undergone an enhanced disclosure check with the Disclosure and Barring Service (DBS). This does not require each member of staff to have undergone this level of check, but will enable staff to be supervised by those who have. Any searching of children or young people, other than of outer clothing that can firstly be removed, must always be conducted by someone of the same sex as the child or young person being searched. Attendance of the child at the event or premises assumes knowledge and consent of the search by the parent or guardian. Guidance on the appropriate ratio of staff to children at such events is included as an appendix to this policy.
115. The Licensing Authority will rarely impose complete bans on access by children. However, in exceptional circumstances conditions restricting access or excluding children completely may be considered necessary.
116. Where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee. This applies to premises licensed under the Act only and not those fully licensed and regulated as sexual encounter venues under the Local Government (Miscellaneous Provisions) Act 1982.

Appendix 1- Application Process

Introduction

1. This Appendix is intended to offer advice and guidance to applicants for Premises Licences, Club Premises Certificates and Personal Licences and those giving Temporary Event Notices. It provides the basic information designed to help ensure that a successful application is made and general guidance to keep the operations of businesses, clubs, organisations, or events within the law.
2. The Council, as the Licensing Authority, understands that it has a general duty to provide guidance to applicants but it is important that this Appendix is not read in isolation and it should be regarded as an extension to, and read in conjunction with, the Council's Licensing Policy.
3. It is important to note that several other authorities play an important role in the licensing processes and applicants are advised to contact those authorities for advice and guidance on their specific area of involvement in the licensing arrangements. The contact details of all responsible authorities can be found in [Appendix 2](#).
4. Information and advice on all the processes explained in this appendix can be obtained from the Council's Licensing Team on 01245 606727 or at licensing@maldon.gov.uk.
5. All applications made to the Council (acting as the Licensing Authority) must be submitted to the contact address shown in Appendix 2.
6. There are 4 types of formality under the Licensing Act 2003 as amended:
 - premises Licence
 - club premises certificate
 - personal licence
 - temporary event notice (TEN)

Premises Licence

7. A premises licence is required where any licensable activities are going to take place (see appendix 11). They have no terminal date but can be granted for a specific date or period.
8. Licence holders are able to choose their operating or opening hours as there are no statutory limitations on the hours during which licensable activities can be carried on. These operating or opening hours will have to be agreed by the Council.

Grant of, or Variation of a Premises Licence

9. An application must be made on a prescribed form and must be accompanied by:
 - an operating schedule (see definitions at the end of this document);

- a plan of the premises to which the application relates to a scale of 1:100 and containing prescribed information;
 - if the licensable activities include the supply of alcohol, consent (on a prescribed form) given by the individual who the applicant wishes to have specified in the premises licence as the premises supervisor;
 - the appropriate fee (see separate section on fees in this appendix); and
 - copy(ies) of specified documents which show that the applicant is in the UK lawfully and permitted to carry out work in a licensable activity.
10. If any part of the application is submitted in writing (rather than electronically) the applicant must also copy the application to each of the responsible authorities (details in Appendix 2) on the same day as the application is given to the Council (note the additional responsible authorities that apply when the premises involved are a vessel). If the application is submitted electronically, the Licensing Authority will circulate it to the relevant responsible authorities.
11. Applicants are advised to obtain proof of delivery of their applications to responsible authorities either through the postal service or by way of a receipt if delivered by hand.
12. The requirements governing the grant, variation or review of a premises licence or club certificate are set out in Regulations. Applicants must:
- publish a notice in a local newspaper (or local newsletter if there is no local paper) that circulates in the area in which the premises are situated on at least one occasion during the period of 10 working days following the day on which the application is given to the Council and
 - display a notice on A4 (or larger) pale blue on or outside paper containing prescribed information must be displayed in prominent position(s) on our outside the premises for a period of not less than 28 consecutive days from the day after the day on which the application is given to the Council. The notice must be printed legibly in black ink or typed in black in size 16 font or larger. (the notices must be visible to the public and the licensing authority may provide advice to the applicant on where notices should be positioned)

Both the notices must contain:

- the name of the applicant,
- the postal addresses of the premises (or if there is no postal address a description of the premises sufficient to enable the location to be identified),
- the postal address and internet address of where Maldon Council's register is kept and when the record of the application can be inspected
- the date by which any representations need to be made and how they can be made.
- a statement of the relevant licensable activities or relevant qualifying club activities that it is proposed will be carried on at the premises, or in the case of an application to vary a premises licence or a club premises certificate the notices shall briefly describe the proposed variation.

The Council will also place notice of the application on the Council's website www.maldon.gov.uk.

13. A template form of the public advertisement and public notice are available from the Council's website. The form and notice are not prescribed forms, but they must contain the information shown on the examples provided.

Applications to Vary a Licence or Certificate

14. Applicants may contact the licensing authority in advance to determine what process needs to be followed if a licence or certificate needs to be varied. The options being a variation, minor variation or notification of change. Simplified processes are available for minor variations or notifications of change.
15. Variations cannot be made to extend a time-limited licence, make substantial variations to the premises, transfer a licence from one holder to another or from one premises to another.

Applications to change the Designated Premises Supervisors

16. An application to vary the premises licence where there has been a change in the premises supervisor must be made in a prescribed form and be accompanied by:
- the premises licence;
 - a form of consent given by the individual who the applicant wishes to have specified in the premises licence as the premises supervisor; and
 - the appropriate fee (see separate section of fees in this appendix).

A copy of the application must be given by the applicant to the Chief Officer of Essex Police on the same day as the application is given to the Council.

Minor Variations

17. Before making an application for a minor variation, applicants are advised to speak to the Council prior to submission as the application is deemed as rejected if not dealt within a 15-day working period.
18. Minor variations will generally fall into four categories and must not adversely impact on the licensing objectives. The categories being:
- minor changes to the structure or layout of premises;
 - small adjustments to licensing hours; (excluding the extension of hours between 2300 and 0700, or increase of hours on any day, for the supply or sale of alcohol)
 - the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions;
 - the removal of a licensable activity and
 - the addition of certain licensable activities (not including the sale or supply of alcohol which must be treated as a full variation)
19. In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives. If the application is not determined within 15 days, it is deemed refused and a full variation or will be required.

Club Premises Certificate

20. The process for applying for a club premises certificate or a variation of a club premises certificate is similar to that for a premises licence except that because there is no sale of alcohol involved only a supply managed by or on behalf of the club, neither a designated premises supervisor nor a personal licence holder is required.

Temporary Event Notice (TEN)

21. Any person can issue a TEN to the licensing authority in respect of any premises or area of land and for one or more of the licensable activities (see appendix 11 for certain limitations imposed). The Notice must be given to the Council at least 10 working days before an event is held or 5 to 9 working days for a late TEN.
22. Guidance under the Act defines working days as excluding the day on which notice is given and the day on which the event is to start. The notice must contain details of the proposed licensable activities.
23. The Council's preferred notice period is not less than 20 working days and not more than 3 months.
24. The Notice must also contain the:
- period during which it is proposed to use the premises (not exceeding 168 hours);
 - times during that period when it is proposed that those licensable activities are to take place;
 - maximum number of people (being less than 500 including staff, performers, security etc.) it is proposed will be allowed on the premises during those times;
 - fee; and
 - where alcohol is to be supplied, whether it is to be for consumption on or off the premises, or both.
25. A copy of the notice must be given by the applicant to the Chief Officer of Police and Environmental Health at the same time unless submitting the Notice electronically.

Entitlement to Work in the UK

26. Personal and Premises licences can only be held by persons who are entitled to live and work in the UK and are not prohibited from holding a licence. This includes EEA citizens and their family members. An EEA passport or national identity card, which only confirms nationality, does not prove a right to work. All foreign nationals are required to provide evidence of lawful immigration status in the UK as part of the application process.
27. Any application made by someone not entitled to work in the UK will be rejected. Any licence issued where an applicant has a time-limited permission to live and work in the UK will become invalid when the immigration permission expires.
28. Applicants must prove their right to live and work in the UK.

Personal Licences

29. Applicants must over 18 and legally entitled to live and work in the UK and not subject to any immigration condition that prevents them from holding a licence. An application must be made to the Council in whose area the person ordinarily resides on a prescribed form.
30. Applicants must provide evidence of a right to work in the UK and not have forfeited a personal licence within 5 years of the application.
31. The application must include:
- Evidence or right to work in the UK.
 - 2 passport photographs: they must be 45mm by 35mm, on photographic paper and be taken against a light background and show the full face uncovered and without sunglasses and, except on religious grounds, without a head covering.
 - 1 of the photographs must be endorsed on the back with a statement verifying the likeness of the photograph to the applicant by a solicitor, notary, bank or building society official, police officer, civil servant, minister of religion or an individual with a professional qualification* (see below).
 - A copy of the applicant's licensing qualification: Details of accredited personal licence qualifications can be found on the Home Office website; <https://www.gov.uk/government/publications/accredited-personal-licence-qualification-providers>
 - A criminal conviction certificate (basic DBS check) issued by the DBS (Disclosure and Barring Service) under Section 112 of the Police Act 1997 issued within 1 calendar month the application for the Licence; <https://www.gov.uk/request-copy-criminal-record>
 - A declaration by the applicant that either they have not been convicted of a relevant offence or a foreign offence, including immigration offences or a civil immigration penalty, accompanied by details of the nature, date of conviction and any sentence imposed on him; and <https://www.gov.uk/government/publications/disclosure-of-convictions-and-declaration>
 - The correct application fee.

**There is no definition provided in the Act or the Regulations as to what constitutes a professional qualification. The Council considers that any person who has passed an examination(s) and is a member of a registered professional body (eg. doctor, teacher, accountant, architect, surveyor, etc.) would be an appropriate person to validate a photograph. Should applicants have any doubts, they should contact the Council for advice as to who could be regarded as a person holding such qualification.*

32. If there are any convictions for a relevant National or a foreign offence, the application must be referred by the Council to the Chief Officer of Police. If the applicant has been required to pay an immigration penalty or convicted of an immigration offence or a foreign offence comparable to an immigration offence, the application must also be referred by the Council to the Home Office (Immigration Enforcement). Criminal record checks can be obtained from Disclosure Scotland, forms are also available from the Licensing Team or from www.disclosurescotland.co.uk.

Fees

33. Fees are set by Government and may therefore change during the life of this policy. If that is the case, applicants will be informed if their fee needs to be amended after their application has been received.
34. Application fees are non-refundable.

Fees- Premises Licence and Club Premises Certificates

35. Fees are based on the non-domestic rateable value of the premises at the date a valid application is made to the Council. If you are not sure of what your current rateable value is, you can check it on the Valuation Office's website at www.voa.gov.uk or by telephoning the Valuation Office on: 03000 501501.
36. Application fees are non-refundable. The fee accompanying a minor variation may be offset against an application fee if the minor variation is not determined (ie refused).
37. The annual charge is payable each year on the anniversary of the date of the grant of the premises licence or club premises certificate. Certain premises will be exempt from fees and annual charges when they are applying purely for regulated entertainment (i.e. no sale / supply of alcohol or provision of late night refreshment) these being church halls, chapels, parish and community halls or other premises of a similar nature.
38. Premises licences and club premises certificates will be suspended if the annual fee is not paid.

Statutory Fees

39. Premises Licence and Club Premises Certificate:

Rateable Bands	A	B	C	D	E	D x 2	E x 3
Rateable Value	£0 to £4,300	£4,301 to £33,000	£33,001 to £87,000	£87,001 to £125,000	£125,001 and above	A multiplier applied to premises in bands D and E where they are exclusively and primarily in the business of selling alcohol	
Premises Licence / Club Premises Certificate	£100	£190	£315	£450	£635	£900	£1905
Annual Renewal Fee	£70	£180	£295	£320	£350	£640	£1050

40. No fees are payable by schools providing education for pupils up to year 13 or for a 6th form college where, in both cases, the regulated entertainment (i.e. no sale / supply of alcohol or provision of late night refreshment) is carried on at the school or college and for school / college purposes.

41. Premises that have no non-domestic rateable value such as floating vessels, mobile food vehicles (e.g. burger vans), public areas, parks etc. will pay a fee based on the lowest band.
42. Additional fees and annual charges are payable for premises licences for exceptionally large premises, i.e. those premises or events where the number of persons allowed is 5,000 or more, as follows:

Number of people	Additional fee	Annual charge
5,000 to 9,999	£1,000	£500
10,000 to 14,999	£2,000	£1,000
15,000 to 19,999	£4,000	£2,000
20,000 to 29,999	£8,000	£4,000
30,000 to 39,999	£16,000	£8,000
40,000 to 49,999	£24,000	£12,000
50,000 to 59,999	£32,000	£16,000
60,000 to 69,999	£40,000	£20,000
70,000 to 79,999	£48,000	£24,000
80,000 to 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Miscellaneous Fees

Application or Notice	Fee
(section 25) Application for copy of premises licence or summary on theft, loss etc.	£10.50
(section 29) Application for a provisional statement – where premises under construction etc	£315.00
(section 33) Notification of change of name or address (holder of premises licence)	£10.50
(section 37) Application to vary licence to specify individual as premises supervisor	£23.00
(section 42) Application to transfer premises licence	£23.00
(section 47) Interim authority licence – following death etc of licence holder	£23.00
(section 79) Application for copy of club premises certificate or summary on theft, loss etc.	£10.50
(section 82) Notification of change of name or alteration of club rules	£10.50
(section 83(1) or (2)) Change of relevant registered address of club	£10.50
(section 100) Temporary event notice	£21.00
(section 110) Application for copy of temporary event notice on theft, loss etc.	£10.50
(section 117) Application for grant of personal licence	£37.00
(section 126) Application for copy of personal licence on theft, loss etc.	£10.50
(section 127) Notification of change of name or address of personal licence	£10.50

Application or Notice	Fee
holder	
(section 178) Request by freeholder etc to be notified of licensing matters relating to a premises	£21.00
Fee to accompany minor variation	£89.00

Plans

43. The scale and contents of plans to be accepted by the Council have been prescribed by The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (as amended).
44. Regulation 23(2) states that unless the relevant licensing authority has previously agreed in writing with the applicant following a request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn in that alternative scale, the plan shall be drawn in standard scale.
45. The standard scale required by the Regulations is 1 millimetre represents 100 millimetres (i.e. 1:100).
46. Regulation 23(3) requires plans to show:
 - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) the location of points of access to and egress from the premises;
 - c) if different from (b) above, the location of escape routes from the premises;
 - d) in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
 - e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - h) the location and type of any fire and any other safety equipment including, if applicable, marine safety equipment; and
 - i) the location of a kitchen, if any, on the premises.

Plans may include a legend through which the matters mentioned above are sufficiently illustrated by the use of symbols on the plan.

N.B. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information listed above.

Appendix 2- Contact Details

The following table shows the appropriate contact details for the various responsible authorities designated under the Licensing Act 2003 as amended. Applicants should use these addresses as the address to which any correspondence to any of the responsible authorities should be sent: the appropriate point of contact for the Council as the Licensing Authority is also given.

responsible authority	Licensing Authority
name	Maldon District Council
address	Council Offices Princes Road Maldon CM9 5DL
telephone number	01621 854477
e-mail address	licensing@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	The Chief Officer of Police
name	Essex Police
address	Licensing Department (Alcohol & Gambling) Blyth's Meadow Braintree CM7 3DJ
telephone number	01245 452035
e-mail address	licensing.applications@essex.police.uk
normal office hours	0800 to 1600 hours (Mon to Thurs), 0800 to 1530 hours (Friday)
additional information	TEMPORARY EVENT NOTICES Notices should be served in order to reach the Police Licensing Officer within the prescribed timescales: either at the same time or as soon as possible after the Notice is given to the Council (but at least ten working days before the event) if submitted in hard copy, please clearly mark the envelope "TEMPORARY EVENT NOTICE"

responsible authority	Home Office (Immigration Enforcement)
name	Alcohol Licensing Team
address	Lunar House 40 Wellesley Road Croydon CR9 2BY
e-mail address	alcohol@homeoffice.gov.uk

responsible authority	Fire and Rescue Authority
name	Essex County Fire and Rescue Service
address	North East Group Service Delivery Point Fire Station Cowdray Avenue Colchester CO1 1XT
telephone number	01376 576625
e-mail address	NorthEastGroupSDP@essex-fire.gov.uk
normal office hours	0830 to 1700 (Monday to Thursday), 0830 to 1630 (Friday)

responsible authority	The Enforcing Authority for Health and Safety
name	Maldon District Council
address	Environmental Health Council Offices
	Princes Road Maldon CM9 5DL
telephone number	01621 875813
e-mail address	commercial@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)
additional information	See Health and Safety Executive below

responsible authority	The Enforcing Authority for Health and Safety
name	Health and Safety Executive
address	Redwing House Hedgerow Business Park Colchester Road Chelmsford CM2 5PB
telephone number	01245 706200
e-mail address	
normal office hours	
additional information	The HSE is the enforcing authority in certain types of premises, e.g. Council property, fairgrounds, hospitals and schools. In most other cases the enforcing authority for licensed premises and places of entertainment is normally the Health and Safety at Maldon District Council as detailed above.

responsible authority	Local Planning Authority
name	Maldon District Council
address	Planning Council Offices Princes Road Maldon CM9 5DL
telephone number	01621 875870
e-mail address	planning@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	Local Pollution Authority
name	Maldon District Council
address	Environmental Health Council Offices Princes Road Maldon CM9 5DL
telephone number	01621 875819
e-mail address	environmentservices.request@maldon.gov.uk
normal office hours	0830 to 1700 hours (Mon to Thurs), 0830 to 1630 hours (Friday)

responsible authority	Protection of Children from Harm
name	Essex County Council
address	Childrens Safeguarding Service 70 Duke Street Chelmsford CM1 1JP
telephone number	03330 139797
e-mail address	LicenceApplications@essex.gov.uk
normal office hours	

responsible authority	Local Health Board
name	Essex County Council

address	Public Health Team Essex County Council A1 County Hall Market Road Chelmsford CM1 1LX
telephone number	
e-mail address	

responsible authority	The local weights and measures authority (trading standards)
name	Essex County Council
address	Essex Trading Standards Information and Business Support Team County Hall, Room CG32 Market Road Chelmsford CM1 1QH
telephone number	03330 139887
e-mail address	BusinessSupport-TradingStandards@essex.gov.uk
normal office hours	

- In addition to the above, further responsible authorities apply where the premises are a vessel

responsible authority	Crouch Harbour Authority
name	The Harbour Master
address	Crouch Harbour Authority The Quay Burnham-on-Crouch CM0 7NT
telephone number	01621 783602
e-mail address	info@crouchharbour.org.uk
normal office hours	0900 to 1600 hours (Monday to Friday)

responsible authority	Maldon Harbour Improvement Commissioners
name	Clerk to the Commissioners
address	Maldon Harbour Improvement Commissioners 5 Fir Tree Walk Maldon CM9 4NS
telephone number	01621 853253
e-mail address	john.hughes11@tesco.net
normal office hours	

responsible authority	Environment Agency
name	
address	National Customer Contact Centre Quadrant Two 99 Parkway Avenue Sheffield S9 4WF
telephone number	03708 506506
e-mail address	enquiries@environment-agency.gov.uk
normal office hours	0900 to 1700 hours (Monday to Friday)

responsible authority	British Waterways Board
name	
address	South East Office Ground Floor 500-600 Witan Gate House Milton Keynes MK9 1BW
telephone number	01908 302500
e-mail address	enquiries.southeast@britishwaterways.co.uk
normal office hours	

responsible authority	The Secretary of State for Transport (through the Maritime and Coastguard Agency)
name	Surveyor in Charge
address	Harwich Marine Office Maritime and Coastguard Agency (Thames) East Terrace Walton-on-Naze CO14 8PY
telephone number	01255 682107
e-mail address	harwich.mo@mcga.gov.uk
normal office hours	0830 to 1700 hours

Appendix 3- Exemptions

Certain activities are either exempt under the Licensing Act from the requirement to have an entertainment licence or by virtue of the deregulation.

Exhibition of a Film

If the sole or main purpose of the entertainment is to demonstrate any product, advertise any goods or services, or provide information, education or instruction.

If the entertainment consists of or forms part of an exhibit put on show for any purposes of a museum or gallery.

Live Music or the Playing of Recorded Music

If the entertainment is live music and subject to the exemptions provided by the Live Music Act 2012 or if the entertainment is incidental to some other activity which is not within the description of regulated entertainment or the provision of entertainment facilities.

Television or Radio Broadcast

If the entertainment if the broadcast is live and simultaneous

Religious Services and Places of Worship etc

Activities involving participation as acts of worship in a religious context and other activities in places of religious worship.

Garden Fetes, Etc

If the entertainment is at a garden fete or at a function or event of a similar character, where it is not being held or promoted for purposes of private gain.

Morris Dancing etc

If the entertainment is a performance of Morris dancing or any dancing of a similar nature or a performance of unamplified, live music as an integral part of such a performance, or facilities for enabling persons to take part in such activities.

Vehicles in Motion

If the entertainment is on premises consisting of or forming part of a vehicle and at a time when the vehicle is not permanently or temporarily parked.

Performance of Plays

Performance of plays and exhibition of dance to an audience limit of 500 people taking place between 0800 and 2300

Films

Films for advertisement, information or education or in museums or art galleries

Indoor Sport

Indoor sport between 0800 and 2300 to an audience limit of 1000 people but excluding boxing, wrestling and mixed martial arts.

Exemptions Resulting from The Live Music Act 2012

- The Live Music Act 2012 deregulates the performance of certain live music and the provision of facilities for making music in the following circumstances:
- Live or Recorded Music
- A performance of unamplified Live music between 0800 and 2300: no licence required on any day in any premises,
- A performance of amplified live or playing of recorded music between 0800 and 2300: no licence required on any day on premises that is authorised to sell alcohol for consumption on those premises where the audience does not exceed 500
- A performance of amplified live music or playing of recorded music between 0800 and 2300 on any premises in any community premises that is not licensed to sell alcohol where the audience does not exceed 500 and where the consent of the person responsible for the premises is given.
- A performance of amplified live music or playing of recorded music between 0800 and 2300 on any day at the non-residential premises of a local authority, school or hospital, not licensed to sell alcohol, where the audience does not exceed 500, with the consent of the person responsible for the premises concerned,

Any live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

Conditions may be applied which relate to the control, or provision of, entertainment, (including music even if exempt from a licence in its own right) where a premises is licensed for the sale or supply of alcohol as a result of a review of the premises licence.

There are no restrictions on numbers of persons in an audience attending any entertainment taking place on local authority, hospital or school premises where that entertainment is being provided on or on behalf of that local authority, health care or school.

No licence is required for entertainment (excluding films, boxing or wrestling

entertainment) taking place at a travelling circus within a movable structure that also accommodates the audience where the circus is located on the same site for no more than 28 consecutive days

Appendix 4- Mandatory Conditions

1. Mandatory conditions are issued by order and must be applied to every relevant licence (or other authority) that is issued. These may change during the life of this policy and applicants should make themselves aware of the current mandatory conditions that will be applied to their licence or certificate.

Mandatory Conditions relating to the Sale or Supply of Alcohol

2. Guidance on Mandatory Licence Conditions can be found via the Government's website: <https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

https://assets.publishing.service.gov.uk/media/5a7dbccde5274a5eaea66081/2014-08-29_MC_Guidance_v1_0.pdf

3. A "responsible person" must ensure compliance with the mandatory conditions. In relation to licensed premises this means:
 - the holder of a premises licence in respect of the premises;
 - the designated premises supervisor (if any) under such a licence; or
 - any individual aged 18 or over who is authorised for the purposes of section 153(4) of the Licensing Act 2003 by such a holder or supervisor.
4. Where a club premises certificate is in force, a "responsible person" means a member or officer of a club who is present and able to prevent the supply of alcohol. In relation to age verification, the premises licence/club certificate holder and the DPS have specific duties.

Conditions relating to the Sale or Supply of Alcohol

Condition 1

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Condition 2

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- Games or other activities that require or encourage, or are designed to require or encourage, individuals to
 - drink a quantity of alcohol within a time limit, (This does not include “drinking up time) or
 - to drink as much as possible.(whether within a time limit or otherwise).
- provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.
- provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective.
- selling or supplying alcohol in association with promotional material on, or in the vicinity of, the premises which can be reasonably considered to condone, encourage or glamorise antisocial behaviour or refer to drunkenness favourably.
- dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Condition 3

Free potable drinking water must be provided on request where it is reasonably available.

Condition 4

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the person serving alcohol to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- a) a holographic mark, or
- b) an ultraviolet feature

Condition 5

The responsible person must ensure that the following drinks, if sold or supplied for consumption on the premises, (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) are available in the following measures:

- beer or cider - half pint.

- gin, rum, vodka or whisky - 25ml or 35ml.
- still wine in a glass - 125ml

The measures must be displayed in a menu, price list, or other printed material.

Where a customer doesn't specify a measure, they must be made aware of the range of measures available, either verbally or by ensuring that they have seen the printed material.

Condition 6

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purpose of this condition:

- "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- "permitted price" is the price found by applying the formula:- $P = D + (D \times V)$ where:- (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol
- "relevant person" means, in relation to premises in respect of which there is in force a premises licence:- (i) the holder of the premises licence (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question
- "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994
- Where the permitted price calculated in accordance with this condition, would not be a whole number of pennies, the price given shall be taken to be the price calculated, rounded up to the nearest penny

Where the permitted price given as calculation in accordance with this condition, on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Mandatory conditions relating to the provision of entertainment.

Exhibition of Films

Condition 7- (Where a premises licence or club premises certificate authorises the exhibition of a film)

The admission of children under the age of 18 to the exhibition of any film must be restricted in accordance with any recommendation made by:

- a) The British Board of Film Classification (BBFC) where the film has been classified by that board or
- b) The Licensing Authority where no classification certificate has been granted by the BBFC, or where the licensing authority has notified the holder of the licence that admission to the film in question must be made in accordance with any recommendation made by the Licensing Authority.

Films that have not been classified by the BBFC may only be shown after they have been classified by the Council and admission of children must be restricted in accordance with any recommendation by the licensing authority

For the purpose of this condition, Children means any person under 18 years.

Door Supervision

Condition 8

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority and

- a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- b) be entitled to carry out that activity by virtue of section 4 of that Act.

But nothing in the above section requires such a condition to be imposed—

- a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or
- b) in respect of premises in relation to
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

Mandatory Conditions relating to Club Premises Certificate for Supply of Alcohol for Consumption Off the Premises

A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions:

First Condition

The supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

(Note: This condition means that if the club is open for the supply of alcohol to its members, i.e. during its normal licensable hours, then a supply of alcohol can be made for consumption off the premises.)

Second Condition

Any alcohol supplied for consumption off the premises must be in a sealed container.

(Note: this means that opened bottles or cans of alcohol can be supplied for consumption off the premises).

Third Condition

Any supply of alcohol for consumption off the premises must be made to a member of the club in person.

(Note: a supply of alcohol for consumption off the premises can only be made to a member of the club in person and not a guest).

Appendix 5- Non-Mandatory Conditions

1. Conditions may be applied to a licence that are proportionate to and appropriate to promote the licensing objectives. These will generally reflect and be consistent with the proposals presented by the applicant in their operating schedule. The licensing authority will add conditions that interpret the applicant's intention but will not necessarily replicate the operating schedule word for word. If no representations are received, the licence will be granted subject only to mandatory conditions and those that are consistent with the operating schedule.
2. Conditions may also result from ones that are agreed between the applicant and a responsible authority following a representation or be imposed by the licensing authority following a hearing.
3. Failure to comply with any condition attached to a licence is an offence that could give rise to prosecution, it is therefore important that conditions are under the control of the person responsible for running the premises and that they are clear, practicable and enforceable.
4. The Licensing Authority may make available Pool of conditions, published separately from this policy with and suggestions to help applicants think about the licensing objectives and, if necessary assist with the preparation of an operating schedule. These will not be standard conditions and will not be automatically applied to a licence. Each licence application is considered on its merits and conditions will at all times be appropriate to the premises and licensable activities – they may however be used to reflect the operating schedule provided by the applicant.
5. Essex Police also have a pool of model conditions that applicants may find useful in preparing their operating schedule and will provide pre-application advice on request.
6. This Pool of conditions does not form part of the Licensing Policy and may be revised or updated if deemed necessary.
7. It should be noted in particular that it is unlawful under the 2003 Act:
 - to knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk;
 - to knowingly to allow disorderly conduct on licensed premises;
 - for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported;
 - to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

Pool of Conditions: Prevention of Crime and Disorder**General**

8. When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, when responsible authorities are considering such applications and the Council is considering applications following the receipt of any relevant representations from a responsible authority or interested party, the following options should be considered as measures which, if necessary, would promote the prevention of crime and disorder.
9. Whether or not any risk assessment shows these options to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved. It should also be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members.
10. Necessary conditions for the licence or certificate will also depend on local knowledge of the premises.
11. Under no circumstances should the following measures be regarded as standard conditions to be automatically imposed in all cases. They are designed to provide a range of possible conditions drawn from experience relating to differing situations and to offer guidance.
12. Any individual preparing an operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Text / Radio Pagers

13. Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.
14. Such pagers provide two-way communication, enabling licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and enabling the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour that are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.
15. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. Following individual consideration of the particular circumstances of the venue, such conditions may also be appropriate and necessary in other areas for the prevention of crime and disorder.

16. It is recommended that a condition requiring the text / radio pager links to the police should include the following elements:

- the text / radio pager equipment is kept in working order at all times;
- the pager be activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
- any police instructions / directions are complied with whenever given; and
- all instances of crime and disorder are reported via the text / radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door Supervisors

17. Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out excluded individuals (subject to court bans or imposed by the licence holder);
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside of venues prone to such queuing.

18. Where door supervisors conducting security activities are to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with the number of such supervisors, where and at what times they should be stationed on the premises, and whether at least one female supervisor should be available (for example, if female customers are to be the subject of body searches). Door supervisors also have a role to play in ensuring public safety.

Bottle Bans

19. Glass bottles may be used as weapons inflicting more serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. It is recommended that a condition requiring that no sales of beverages in glass bottles for consumption on the premises should be expressed in clear terms and includes the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar; and
- no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off- sales also take place).

20. In appropriate circumstances, the condition could include exceptions, for example, as follows:

- bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Plastic Containers and Toughened Glass

21. Glasses containing drinks may be used as weapons during incidents of disorder and if not toughened, can cause very serious injuries. Consideration could therefore be given to conditions requiring either the use of plastic containers or toughened glass which inflicts less severe injuries where considered necessary. Location and style of the venue and the activities carried on there would be particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of such plastic containers or toughened glass during the televising of live sporting events, such as international football matches, when high states of excitement and emotion fuelled by alcohol might arise, may be a necessary condition.
22. It should be noted that the use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety.

CCTV

23. The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise siting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time. The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Open Containers Not to be Taken from the Premises

24. Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. Where premises are licensed for the sale of alcohol for consumption off the premises, which would be entirely lawful. Consideration should be given, however, to a condition preventing the taking of alcoholic and other drinks from the premises in open containers (e.g. glasses and open bottles). This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on Drinking Areas

25. It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing of sports grounds during particular sports events. Such conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Capacity Limits

26. Consideration should also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.

Proof of Age Cards

27. It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent such crimes, it may be necessary to require a policy to be applied at certain licensed premises requiring the production of proof of age before such sales are made. This should not be limited to recognised proof of age cards, but allow for the production of other proof, such as photo-driving licences, student cards (supported by the PASS accreditation i.e. Essex County Bite Cards); passports or Military ID. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports. It should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those selling or supplying alcohol to be under the age of 18 and who is attempting to buy alcohol. This would ensure most minors, even those looking older, would need to produce proof of age before making such a purchase. Under such an arrangement only a minority of adults might be affected, but for the majority there would be no disruption to their normal activity.

Crime Prevention Notices

28. It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the displaying of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks Promotions

29. Standardised conditions should not be attached to premises licences or club premises certificates which promote fixed prices for alcoholic drinks. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind. This can risk creating cartels. Using conditions to control the prices of alcoholic drinks in an area may also breach competition law. Conditions tailored to the individual circumstances of particular premises which address irresponsible drinks promotions may be permissible provided they are necessary for the promotion of the licensing

objectives, but licensing authorities should take their own legal advice before a licence or certificate is granted in that form. Judgements may be subjective and on occasions, there will be a very fine line between responsible and irresponsible promotions but an even greater distinction to whether the promotion in question can be subject to the imposition of a condition. It is therefore vital that such matters are considered objectively in the context of the licensing objectives and with the benefit of appropriate legal advice.

30. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or discounting and levels of crime and disorder on or in the vicinity of the premises, it would be appropriate for the Council to consider whether the imposition of a new condition prohibiting irresponsible sales promotions or discounting of prices of alcoholic beverages is necessary at those premises. Before pursuing any form of restrictions, however, licensing authorities should take their own legal advice.

Signage

31. It may be necessary for the normal hours under the terms of the premises licence or club premises certificate at which licensable activities are permitted to take place to be displayed on or immediately outside the premises so that it is clear if breaches of the terms of the licence or certificate are taking place.
32. Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises so that the consequences of breaches of these conditions would also be clear and to deter those who might seek admission in breach of those conditions.

Large Capacity Venues used Primarily for the Vertical Consumption of Alcohol

33. Large capacity vertical drinking premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol and have little or no seating for patrons. Where necessary and appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises (if not volunteered by the venue operator and following representations on such grounds) which require adherence to:
 - a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - the presence of SIA registered security teams to control entry for the purposes of compliance with the capacity limit.

Appendix 6- Pool of Conditions: Public Safety

1. It should be noted that conditions relating to public safety should be those which are necessary in the particular circumstances of any individual premises or club premises and should not duplicate other requirements of the law. Equally, the attachment of conditions to a premises licence or club premises certificate will not in any way relieve employers of the statutory duty to comply with the requirements of other legislation including the Health and Safety at Work etc. Act 1974, associated regulations and especially the requirements under the Management of Health and Safety at Work Regulations 1999 and the Regulatory Reform (Fire Safety) Order 2005 to undertake risk assessments. Employers should assess the risks, including risks from fire, and take measures necessary to avoid and control those risks. Conditions enforcing those requirements would therefore be unnecessary.

General

2. When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Council is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote public safety. Additional matters relating to cinemas and theatres are considered in Appendix 7. It should also be recognised that special issues may arise in connection with outdoor and large scale events.
3. Whether or not any risk assessment shows any of the measures to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
4. Necessary conditions for the licence or certificate will also depend on local knowledge of the premises. In addition to considering the points made in this Appendix, those preparing operating schedules or club operating schedules, licensing authorities and responsible authorities should consider:
 - Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance (Entertainment Technology Press – ABTT Publications)
 - Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (the purple book)
 - Managing Crowds Safety (HSE 2000)
 - 5 Steps to Risk Assessments: Case Studies (HSE 1998)
 - Guide to Safety at Sports Grounds (Stationery Officer 1997)(the green guide)
 - Safety Guidance for Street Arts, Carnival, Processions and Large Scale Performances (Independent Street Arts Network)
 - London District Surveyors' Association's Technical Standards for Places of Public Entertainment.
5. The following British Standards should also be considered:
 - BS 5588 Part 6 (regarding places of assembly)

- BS 5588 Part 9 (regarding ventilation and air conditioning systems)
 - BS 5588 Part 9 (regarding means of escape for disabled people)
 - BS 5839 (fire detection, fire alarm systems and buildings)
 - BS 5266 (emergency lighting systems)
6. The Council and responsible authorities should note that under no circumstances should any conditions be regarded as standard for all premises.
7. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those described below, as a step he or she intends to take to promote the licensing objectives. When incorporated into the licence or certificate as a condition, they become enforceable under the law and a breach of such a condition could give rise to prosecution.

Disabled People

8. In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:
- when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency; and
 - disabled people on the premises are made aware of those arrangements.

Escape Routes

9. It may be necessary to include conditions relating to the maintenance of all escape routes and exits including external exits. These might be expressed in terms of the need to ensure that such exits are kept unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified. In restaurants and other premises where chairs and tables are provided this might also include ensuring that internal gangways are kept unobstructed.
10. In certain premises where existing legislation does not provide adequately for the safety of the public, consideration might also be given to conditions that ensure that:
- all exits doors are easily openable without the use of a key, card, code or similar means; doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check kept;
 - any removable security fastenings are removed whenever the premises are open.
 - all fire doors are maintained effectively self-closing and shall not be held open other than by approved devices (for example, electromagnetic release operated by smoke detectors);
 - fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut; and the edges of the treads of steps and stairways are maintained so as to be conspicuous.

Safety Checks

11. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:

- safety checks are carried out before the admission of the public; and
- details of such checks are kept in a log book.

Curtains, Hangings, Decorations and Upholstery

12. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- hangings, curtains and temporary decorations are maintained in a flame retardant conditions;
 - any upholstered seating meets on an on-going bases the pass criteria for smouldering ignition source 0; flaming ignition source 1; and crib ignition source 5 when tested in accordance with section 5 of BS5852:1990;
 - curtains, hangings and temporary decorations are arranged so as not to obstruct exits, fire safety signs or firefighting equipment; and
 - temporary decorations are not used without prior notification to the Council / Fire Authority.
13. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- arrangements are made to ensure that any capacity limit imposed under the premises licence or club premises certificate are not exceeded; and
 - the licence holder, a club official, manager or designated premises supervisor should be aware of the number of people on the premises and required to inform any authorised person on request.

Fire Action Notices

14. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire service should be summoned, are prominently displayed and protected from damage and deterioration.

Outbreaks of Fire

15. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- the fire service must be called at once to any outbreak of fire, however slight, and the details recorded in a fire log book.

Loss of Water

16. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- the local fire control centre are notified as soon as possible if the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Access for Emergency Vehicles

17. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that access for emergency vehicles is kept clear and free from obstruction.

First Aid

18. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- adequate and appropriate supply of first aid equipment and materials is available on the premises;
 - if necessary, at least one suitably trained first-aider shall be on duty when the public are present; and if more than one suitably trained first-aider that their respective duties are clearly defined.

Lighting

19. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- in the absence of adequate daylight, the lighting in any area accessible to the public, members or guests shall be fully in operation when they are present;
 - fire safety signs are adequately illuminated; emergency lighting is not altered;
 - emergency lighting batteries are fully charged before the admission of the public, members or guests; and
 - in the event of the failure of normal lighting, where the emergency lighting battery has a capacity of one hour, arrangements are in place to ensure that the public, members or guests leave the premises within 20 minutes unless within that time normal lighting has been restored and the battery is being re-charged; and, if the emergency lighting battery has a capacity of three hours, the appropriate period by the end of which the public should have left the premises is one hour.

Temporary Electrical Installations

20. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- temporary electrical wiring and distribution systems are not provided without [notification to the Council at least 10 days before commencement of the work] [prior inspection by a suitable qualified electrician];
 - temporary electrical wiring and distribution systems shall comply with the recommendations of BS 7671 or where applicable BS 7909; and
 - where they have not been installed by a competent person, temporary electrical wiring and distribution systems are inspected and certified by a competent person before they are put to use.
21. With regard to the first bullet above, it should be recognised that 10 days' notice may not be possible where performances are supported by outside technical teams. For example, where temporary electrical installations are made in theatres for television show performances, in such circumstances, the key requirement is that conditions where necessary should ensure that temporary electrical installations are only undertaken by competent qualified persons, for example employed by the television company.

Indoor Sports Entertainments

22. In certain premises where existing legislation does not provide adequately for the safety of the public or club members and guests, consideration might also be given to conditions that ensure that:
- if necessary, an appropriately qualified medical practitioner is present throughout a sports entertainment involving boxing, wrestling, judo, karate or other sports entertainment of a similar nature;
 - where a ring is involved, it is constructed and supported by a competent person and inspected by a competent authority and any material used to form the skirt around the ring is flame-retardant;
 - at any wrestling or other entertainments of a similar nature members of the public do not occupy any seat within 2.5 metres of the ring; and
 - at water sports entertainments, staff adequately trained in rescue and life safety procedures are stationed and remain within the vicinity of the water at all material times (see also Managing Health and Safety in Swimming Pools issued jointly by the Health and Safety Commission and Sport England).

Alterations to the Premises

23. Premises should not be altered in such a way as to make it impossible to comply with an existing licence condition without first seeking a variation of the premises licence proposing the deletion of the condition relating to public safety in question. The applicant will need to propose in a new operating schedule reflecting the proposed alteration to the premises how they intend to take alternative steps to promote the public safety objective. The application for variation will enable the responsible

authorities with expertise in safety matters to consider whether the proposal is acceptable.

Special Effects

24. The use of special effects in venues of all kinds being used for regulated entertainment is increasingly common and can present significant risks. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff.
25. Special effects which should be considered include:
 - dry ice machines and cryogenic fog; smoke machines and fog generators; pyrotechnics, including fireworks;
 - real flame;
 - firearms;
 - motor vehicles; strobe lighting;
 - lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: Safety of laser products);
 - explosives and highly flammable substances.
26. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Council or [inspection by] the fire service.

Appendix 7- Pool of Conditions: Theatres, Cinemas, Concert Halls and Similar

1. There are particular matters in the context of public safety and fire safety which should be considered in connection with theatres and cinemas. The principle remains that conditions must be necessary and should be established through risk assessment and standardised conditions should be avoided. The points which follow are for consideration and do not represent a mandatory list.

Premises Used for Closely Seated Audiences

2. Attendants

- a) The number of attendants on each floor in a closely seated auditorium should be as set out on the table below:

Number of Members of The Audience Present on A Floor	Minimum Number of Attendants Required to Be Present On That Floor
1 – 100	1
101 – 250	2
251 – 500	3
501 – 750	4
751 – 1000	5
Plus 1 additional attendant for each additional 250 persons (or part thereof)	

- b) Attendants shall not be engaged in any duties that would hinder the prompt discharge of their duties in the event of an emergency or entail their absence from that floor or auditorium where they are on duty.
- c) Any attendant shall be readily identifiable to the audience (but this need not entail the wearing of a uniform).
- d) The premises shall not be used for a closely seated audience except in accordance with seating plan(s), a copy of which is available at the premises and shall be shown to any authorised person on request.
- e) No article shall be attached to the back of any seat which would reduce the clear width of seatways or cause a tripping hazard or obstruction.
- f) A copy of any certificate relating to the design, construction and loading of any temporary seating shall be kept available at the premises and shall be shown to any authorised person on request.

Standing and Sitting in Gangways etc.

- a) Sitting on floors shall not be permitted except where authorised in the premises licence or club premises certificate.

- b) Waiting or standing shall not be permitted except in areas designated in the premises licence or club premises certificate.
- c) In no circumstances shall anyone be permitted to:
 - i. sit in any gangway;
 - ii. stand or sit in front of any exit; or
 - iii. stand or sit on any staircase including any landings.

Drinks

- 3. Unless authorised by the premises licence or club premises certificate, no drinks shall be sold to or be consumed by a closely seated audience except in plastic and paper containers.

Balcony Fronts

- 4. Clothing or other objects shall not be placed over balcony rails or upon balcony fronts.

Special Effects

- 5. Any special effects or mechanical installation should be arranged and stored so as to minimise any risk to the safety of the audience, the performers and staff. Special effects include:
 - dry ice machines and cryogenic fog; smoke machines and fog generators; pyrotechnics, including fireworks;
 - real flame;
 - firearms;
 - motor vehicles; strobe lighting;
 - lasers (see HSE Guide The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825: safety of laser products;
 - explosives and highly flammable substances.
- 6. In certain circumstances, it may be necessary to require that certain special effects are only used with the prior notification of the Council or (inspection by) fire authority.

Scenery

- 7. Any scenery should be maintained flame-retardant.

Safety Curtain

- 8. Where a safety curtain is provided, it should be arranged so as to protect the audience from the effects of a fire or smoke on stage for sufficient time to enable the safe evacuation of the auditorium. Where a stage with a proscenium arch is not equipped with a safety curtain, any curtains provided between the stage and the auditorium should be heavyweight and be made of non-combustible material or inherently or durably treated flame retardant fabric.

Ceilings

9. All ceilings in those parts of the premises to which the audience are admitted should be inspected by a suitably qualified person who will decide when a further inspection would be necessary and a certificate concerning the condition of the ceilings forwarded to the Council.

Seating

10. Where the potential audience exceeds 250 all seats in the auditorium should, except in boxes accommodating not more than 8 persons, be either securely fixed to the floor or battened together in lengths of not fewer than 4 or more than 12.

Premises Used for Film Exhibitions

Attendants - premises without a staff alerting system

11. Where the premises are not equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number of Members of The Audience Present on The Premises	Minimum Number of Attendants Required To Be On Duty
1 – 250	Two
Plus 1 additional attendant for each additional 250 members of the audience present (or part thereof)	
Where there are more than 150 members of an audience in any auditorium or on any floor	At least 1 attendant shall be present in any auditorium or on any floor

Attendants - premises with a staff alerting system

12. Where the premises are equipped with a staff alerting system the number of attendants present should be as set out in the table below:

Number Of Members of The Audience Present On The Premises	Minimum Number of Attendants Required To Be On Duty	Minimum Number of Other Staff On The Premises Who Are Available To Assist In The Event Of An Emergency
1 – 500	2	1
501 - 1000	3	2
1001 - 1500	4	4
1501 or more	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises	Five plus one for every 500 (or part thereof) persons over 2,000 on the premises

13. Staff shall not be considered as being able to assist in an emergency if they are:
 - the holder of the premises licence or the manager on duty at the premises; or
 - a member of staff whose normal duties or responsibilities are likely to significantly affect or delay his response to an emergency situation; or
 - a member of staff whose usual location when on duty is more than 60 metres from the location to which they are required to go on being alerted of an emergency situation.
14. Attendants shall as far as reasonably practicable be evenly distributed throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.
15. The staff alerting system shall be maintained in working order.

Minimum Lighting

16. The level of lighting in the auditorium should be as great as possible consistent with the effective presentation of the film; and the level of illumination maintained in the auditorium during the showing of films would normally be satisfactory if it complies with the standard specified in BS CP 1007 (Maintained Lighting for Cinemas).

Flammable Films

17. No flammable films shall be allowed in the premises without the prior notification of the Council and fire authority.

Appendix 8- Pool of Conditions: Prevention of Public Nuisance

1. It should be noted that provisions of the Environmental Protection Act 1990 and the Noise Act 1996 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 as amended enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing public nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

General

2. When applicants for premises licences or club premises certificates are preparing their operating schedules or club operating schedules, responsible authorities are considering such applications and the Council is considering applications following the receipt of relevant representations from a responsible authority or interested party, the following options should be considered as measures that, if necessary, would promote the prevention of public nuisance.
3. Whether or not any risk assessment shows them to be necessary in the individual circumstances of any premises will depend on a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises and the anticipated clientele of the business involved.
4. Necessary conditions for licences and certificates will also depend on local knowledge of the premises.

Hours

5. The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted (other than where they are protected by the transitional provisions of the Licensing Act 2003 as amended) by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which results from artificially early fixed closing times.
6. Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue.
7. Restrictions might be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises are open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time.

Noise and Vibration

8. In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure

that noise or vibration does not emanate from the premises so as to cause a nuisance to occupiers of nearby properties. This might be achieved by 1 or more of the following conditions:

- keep doors and windows at the premises closed;
- limiting live music to a particular area of the building;
- moving the location and direction of speakers away from external walls or walls that abut private premises;
- fitting of rubber seals to doorways;
- installing rubber speaker mounts;
- requiring the licensee to take measures to ensure that music will not be audible above the background level at the nearest noise sensitive location;
- require licenses to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary; or
- use noise limiters on amplification equipment used at the premises.

9. In determining which conditions are necessary and appropriate, the Council shall be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. Conditions may also include:

- that prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly;
- the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted; and
- the placing of refuse and recycling such as bottles into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious Smells

10. In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:-

- noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light Pollution

11. In certain premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to conditions that ensure that:

- flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Appendix 9- Pool of Conditions: Protection of Children from Harm

1. It should be noted that it is unlawful under the 2003 Act as amended to permit unaccompanied children under the age of 16 to be present on premises exclusively or primarily used for the supply of alcohol for consumption on those premises under the authorisation of a premises licence, club premises certificate or a temporary event notice when open for the purposes of being used for the supply of alcohol for consumption there. In addition, it is an offence to permit the presence of children under 16 who are not accompanied by an adult between midnight and 5 am at all premises supplying alcohol for consumption on those premises under the authorisation of any premises licence, club premises certificate or temporary event notice. Conditions duplicating these provisions are, therefore, unnecessary.

Access for Children to Licensed Premises in General

2. Restrictions on the access of children under 18 to premises where licensable activities are being carried on should be made where it is necessary to protect children from harm. Precise policy and details will be a matter for the Council. Conditions attached to premises licences and club premises certificates may reflect the concerns of responsible authorities and interested parties who have made representations but only where the Council considers it necessary to protect children from harm. Whilst applications in relation to premises licences and club premises certificates must be judged by the Council on their individual merits and characteristics, the Secretary of State recommends (unless there are circumstances justifying the contrary) that:-
 - for any premises with known associations (having been presented with evidence) with or likely to give rise to heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment (whether regulated entertainment or not) of a clearly adult or sexual nature, there should be a strong presumption against permitting any access at all for children under 18 years: applicants wishing to allow access for children to premises where these associations may be relevant, when preparing operating schedules or club operating schedules or variations of those schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
 - for any premises, not serving alcohol for consumption on the premises, but where the public are allowed on the premises after 11.00 pm in the evening, there should be a presumption against the presence of children under the age of 12 unaccompanied by adults after that time. Applicants wishing to allow access when preparing operating schedules or variations of those schedules or club operating schedules for the purposes of obtaining or varying a premises licence or club premises certificate should:
 - explain their reasons; and
 - outline in detail the steps that they intend to take to protect children from harm on such premises.
 - in any other case, subject to the premises licence holder's or club's discretion, the expectation would be for unrestricted access for children subject to the terms of the 2003 Act as amended. An operating schedule or club operating schedule should indicate any decision for the premises to exclude children

completely, which would mean there would be no need to detail in the operating schedule steps that the applicant proposes to take to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline the steps to be taken to promote the protection of children from harm while on the premises.

Age Restrictions - Specific

3. Under the 2003 Act as amended, a wide variety of licensable activities could take place at various types of premises and at different times of the day and night. Whilst it may be appropriate to allow children unrestricted access at particular times and when certain activities are not taking place, the Council following relevant representations made by responsible authorities and interested parties will need to consider a range of conditions that are to be tailored to the particular premises and their activities where these are necessary. The Licensing Authorities is expected to consider:
- the hours of day during which age restrictions should and should not apply. For example, the fact that adult entertainment may be presented at premises after 8.00 pm does not mean that it would be necessary to impose age restrictions for earlier parts of the day. Types of event or activity in respect of which no age restrictions may be needed include:
 - Family entertainment; or
 - Non-alcohol events for young age groups such as under 18 dances.
 - Similarly, types of event or activity which give rise to a more acute need for age restrictions than normal may include:
 - During Happy Hours or on drinks promotion nights;
 - During activities outlined in the first bullet point in the first paragraph above.

Age Restrictions - Cinemas

4. The Secretary of State considers that, in addition to the mandatory condition imposed by virtue of Section 20, requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under Section 4 of the Video Recordings Act 1984 or by the Council itself, conditions restricting the admission of children to film exhibitions should include:
- A condition that where the Council is to make recommendations on the admission of children to films, the cinema or venue operator must submit any film to the authority that it intends to exhibit 28 days before it is proposed to show it: this is to allow the authority time to classify it so that the premises licence holder is able to adhere to any age restriction then imposed;
 - A condition that when films are classified, by either the film classification body as specified in the licence or the Council, they should be classified in the following way:
 - U = Universal: suitable for audiences aged 4 years and over
 - PG = Parental Guidance: some scenes may be unsuitable for young children
 - 12A = passed only for viewing by persons aged 12 years or older or persons younger than 12 when accompanied by an adult
 - 15 = passed only for viewing by persons aged 15 years or over

- 18 = passed only for viewing by persons aged 18 years or over
 - That conditions specify that immediately before each exhibition at the premises of a film passed by the British Board of Film Classification there shall be exhibited on screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium, a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.
 - A condition that when the Council has made a recommendation on the restriction of admission of children to a film, notices are required to be displayed both inside and outside the premises so that persons entering can readily be made aware of the classification attached to any film or trailer. Such a condition might be expressed in the following terms:
5. “Where a programme includes a film recommended by the Council as falling into the 12A,15 or 18 category no person appearing to be under the age of 12 and unaccompanied, or under 15 or 18 as appropriate, shall be admitted to any part of the programme; and the licence holder shall display in a conspicuous position a notice in the following terms:
- ‘PERSONS UNDER THE AGE OF (insert age) CANNOT BE ADMITTED TO ANY PART OF THE PROGRAMME’
6. Where films of different categories form part of the same programme, the notice shall refer to the oldest age restriction. This condition does not apply to members of staff under the relevant age while on-duty, provided that the prior written consent of the person’s parent or legal guardian has first been obtained.”

Theatres

7. The admission of children to theatres, as with other licensed premises, is not expected to normally be restricted unless it is necessary to promote the licensing objective of the protection of children from harm. However, theatres may be the venue for a wide range of activities. The admission of children to the performance of a play is expected to normally be left to the discretion of the licence holder and no condition restricting the access of children to plays should be attached. However, theatres may also present entertainment including, for example, variety shows, incorporating adult entertainment. A condition restricting the admission of children in such circumstances may be necessary. Entertainment may also be presented at theatres specifically for children (see below).
8. Licensing authorities are also expected to consider whether a condition should be attached to a premises licence which requires the presence of a sufficient number of adult staff on the premises to ensure the well-being of children present on the premises during any emergency (see appendix 7).

Performances especially for Children

9. Where performances are presented especially for unaccompanied children in theatres and cinemas conditions are anticipated to be needed which require:

- an attendant to be stationed in the area(s) occupied by the children, in the vicinity of each exit, provided that on each level occupied by children the minimum number of attendants on duty should be one attendant per 50 children or part thereof.
10. The Council is expected, having regard to any representations made by responsible authorities on the issue, to also consider whether or not standing should be allowed. For example, there may be a reduced risk for children in the stalls than at other levels or areas in the building.

Children in Performances

11. There are many productions each year that are one-off shows where the cast is made up almost entirely of children. They may be taking part as individuals or as part of a drama club, stage school or school group. The age of those involved may range from 5 to 18. The Children (Performances) Regulations 1968, as amended, set out requirements for children performing in a show. Licensing authorities should familiarise themselves with the requirements of these Regulations and not duplicate any of these requirements. However, if it is necessary to consider imposing conditions, in addition to these requirements, for the promotion of the protection of children from harm then the Council will consider the matters outlined below:
- **venue** - the backstage facilities should be large enough to accommodate safely the number of children taking part in any performance;
 - **fire safety** - all chaperones and production crew on the show should receive instruction on the fire procedures applicable to the venue prior to the arrival of the children;
 - **special effects** - it may be inappropriate to use certain special effects, including smoke, dry ice, rapid pulsating or flashing lights, which may trigger adverse reactions especially with regard to children;
 - **care of children** - theatres, concert halls and similar places are places of work and may contain a lot of potentially dangerous equipment. It is therefore important that children performing at such premises are kept under adult supervision at all times including transfer from stage to dressing room and anywhere else on the premises. It is also important that the children can be accounted for at all times in case of an evacuation or emergency.

The Portman Group CoP on the Naming, Packaging and Promotion of Alcoholic Drinks

12. The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman's Group website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important mechanism in protecting children from harm because it addresses the

naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors.

Proof of Age Cards

13. Proof of age cards are discussed under appendix 5 in connection with the prevention of crime and disorder. However, where necessary and appropriate, a requirement for the production of proof of age cards before any sale of alcohol is made could be attached to any premises licence or club premises certificate for the protection of children from harm. Any such requirement should not be limited to recognised proof of age cards, but allow for the production of other proof, such as photo- driving licences and passports. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security, and where appropriate and necessary, conditions may refer directly to PASS accredited proof of age cards, photo-driving licences and passports. As for conditions relating to crime and disorder, it should be noted that many adults in England and Wales do not currently carry any proof of age. This means that the wording of any condition will require careful thought. For example, the requirement might be to ensure sight of evidence of age from any person appearing to those engaged in selling or supplying alcohols to be under the age of 18 and who is attempting to buy alcohol. This would ensure that most minors looking older would need to produce proof of age before making such a purchase. Under such an arrangement, only a minority of adults might be affected, but for the majority there would be no disruption of normal activity.
14. Proof of age cards can also ensure that appropriate checks are made where the presence of children is restricted by age at certain times, such as 16.

Appendix 10- Terms of Reference and Delegated Powers

Maldon District Council, as Licensing Authority has the following delegations to committees and Officers in respect of its responsibilities under the Licensing Act 2003

Licensing Committee

To consider and report to the Council on:

1. The approval and adoption of the Council's Licensing Policy under the Licensing Act 2003 as amended.
2. The making of Regulations relating to the licensing functions of the Committee.
3. Setting of all other licensing fees (as appropriate).

To exercise on behalf of the Council the following functions:

1. The discharge of the Council's powers, duties and functions under the Licensing Act 2003, as amended, including the review of, consultation on and publication of the draft revised Council's Licensing Policy.
2. The monitoring of the effects of the Licensing Policy on other related strategies and functions including those relating to crime prevention, planning, transport, tourism, economic development, culture and equality and issues relating to the management of town centres and the night-time economy.
3. The appointment of the relevant Officer of the Council to keep the Licensing Register and any Central Register prescribed by the Secretary of State.
4. The appointment of Authorised Officers for the purposes of the Act.
5. The determination of applications for licences or permits (including the revocation or variation of such licences or permits) in respect of functions of the Committee and those not falling within the power of any other Committee of the Council.
6. The enforcement of licences and permits falling within the purview of the Committee.

Licensing Sub-Committee

To exercise on behalf of the Planning and Licensing Committee the following functions:

1. To determine applications for premises licences and club premises certificates where representations are made by an interested party or a responsible authority.
2. To determine applications to vary premises licences and club premises certificates where representations are made by an interested party or a responsible authority.
3. To determine applications to transfer premises licences where the Chief Officer of Police gives notice that granting an application would undermine the crime prevention objective.

4. To determine applications for reviews of premises licences and club premises certificates.
5. To determine reviews of premises licences where a closure order has come into force and where notice has been received of a Magistrates' Court determination.
6. To determine applications for provisional statements where representations are made by an interested party or a responsible authority.
7. To determine applications to vary a designated premises supervisor where the Chief Officer of Police gives notice that granting an application would undermine the crime prevention objective.
8. To determine interim authority notices where the Chief Officer of Police gives notice that failure to cancel any notice will undermine the crime prevention objective.
9. To consider objection notices given by the Chief Officer of Police in respect of temporary event notices and determine if a counter notice is to be issued to the applicant.
10. To determine applications for personal licences where the Chief Officer of Police gives an objection notice that granting an application would undermine the crime prevention objective.
11. To determine objection notices given by the Chief Officer of Police where a personal licence holder has been convicted during the application period of a relevant or foreign offence after the grant of a personal licence.
12. The determination of requests for film exhibitions at a classification that differs from that granted by the British Board of Film Classification (including the viewing of such films).

To the Head of Environmental Health, Waste and Climate Action:

1. The grant of a premises licence or club premises certificate where no representations are made by a responsible authority or interested party.
2. In consultation with a legal advisor, a determination that representations made by an interested party regarding an application for the grant of (or a variation of) a premises licence or club premises certificate or for the grant of a provisional statement are frivolous or vexatious. NB a representation from a responsible party cannot be frivolous or vexatious.
3. The grant of an application to vary a premises licence or club premises certificate where no representations are made by a responsible authority or interested party, and in the case of an application for a minor variation to determine that application having taken into account any representations received.
4. The grant of an application to transfer a premises licence where no notice has been given by the Chief Officer of Police.

5. The determination of an exemption from the requirement to obtain a personal licence holder's consent for an application to transfer a premises licence.
6. The issue of a notice specifying the date of entry and inspection (or any extension of that date) where a club applies for a club premises certificate, a variation of a certificate or on a review of a certificate.
7. In consultation with a legal advisor, a determination that an application for a review of a premises licence or club premises certificate on the grounds that the ground for review is not relevant to one or more of the licensing objectives or is frivolous, vexatious or repetitious. NB this does not apply to applications made by a responsible authority.
8. In consultation with a legal advisor, a determination that a club is not a qualifying club or has ceased to be a qualifying club.
9. The grant of an application for a provisional statement in respect of a premises which are being or are about to be constructed or extended where no representations are made by a responsible authority or interested party.
10. The determination of an application to vary the designated premises supervisor where no notice has been given by the Chief Officer of Police.
11. The issue of a notice granting or rejecting an application to vary the designated premises supervisor.
12. The receipt of a notice requesting the removal of a person as a designated premises supervisor.
13. The determination of whether or not a temporary event notice is void.
14. The acknowledgement of receipt of a temporary event notice.
15. Following receipt of an objection under any of the four licensing objectives from either the Police or Environmental Health to a Late Temporary Event Notice (TEN) the issue of a counter notice.
16. Where an objection under any of the four licensing objectives from either the Police or Environmental Health is received to a Temporary Event Notice (TEN) and following a hearing considering such objections a TEN has not been granted, the issue of a counter notice.
17. The issue of a counter notice where any of the permitted limits are exceeded in any temporary event notice.
18. The rejection of applications for personal licences where applicants have failed to meet the statutory conditions.

19. The grant of an application for a personal licence where no objection notice has been given by the Chief Officer of Police.
20. To issue notices to the Chief Officer of Police where a personal licence holder has been convicted during the application period of a relevant or foreign offence after the grant of a personal licence.
21. The issue and certification as a true copy of any premises licence or club premises certificate (or a summary of either) or any temporary event notice or personal licence where it has been lost, stolen, damaged or destroyed.
22. Unless specified to the contrary, the issue of all licences, certificates, notices and any other formal notifications required under the Licensing Act 2003.
23. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's powers under the Licensing Act 2003.
24. To keep a licensing register and any central register prescribed by the Secretary of State.
25. In consultation with the Assistant Director- Place and Community, to authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the head of Environmental Health, Waste and Climate Action.
26. To determine, as part of applications by a management committee of a community premises for a new premises licence, whether the alternative licence condition in relation to the sale of alcohol should apply instead of the mandatory condition, provided that no representation is received from the Chief Officer of Police.
27. To suspend premises licences and club premises certificates for non-payment of the annual fee.
28. To make representations on behalf of the Licensing Authority in respect of all applications for premises licences or club premises certificates and to apply for reviews of the same.

To the Group Manager Head of Development Management– Planning Services and the Environmental Health Manager- Protection:

1. To respond to the Licensing Authority on behalf of the Council (as a responsible authority) to applications for (or variations of or reviews of) premises licences or club premises certificates.
2. To respond to the Licensing Authority on behalf of the Council (as a responsible authority) to applications for provisional statements in respect of premises.

3. To make applications on behalf of the Council (as a responsible authority) to the Licensing Authority for a review of premises licences or club premises certificates.
4. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.

To the Assistant Director- Place and Community

1. In consultation with a legal advisor and the Chairman of the Planning and Licensing Committee, the institution of legal proceedings in respect of any of the Council's licensing powers.
2. To authorise officers and duly appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated to the head of paid service.

Appendix 11- Definitions

Note: In this Policy, the following definitions are included to provide an explanation of certain terms included in the Act and, therefore, in the Policy. In some cases, they are an abbreviation of what is stated in the Licensing Act 2003 as amended or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003 as amended, any regulations made under the Act and statutory guidance.

Designated premises supervisor: the person, who in the case of premises selling alcohol must be a Personal Licence holder, they will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves.

Late night refreshment: the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11 pm and 5 am: self-service vending machines are exempt from the requirement to be licensed for the sale of hot food or drink

Licensable activities

- retail sale of alcohol or
- supply of alcohol by or on behalf of a club to, or to the order of, a member of the club provision of regulated entertainment
- provision of late night refreshment

Licensed premises: includes club premises and events unless the context otherwise requires.

Operating schedule: a document containing a statement of the following matters (and any others that may be prescribed):-

- the relevant licensable activities
- the times at which the licensable activities are to take place and any other times when premises are open to the public
- information regarding the person who will be specified in the licence as the premises supervisor where the licensable activities involve the sale supply alcohol, whether it is for the supply on and/or off the premises
- the steps being taken to promote the licensing objectives

Premises: any place and includes a vehicle, vessel or moveable structures

Regulated entertainment: includes any of the following:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to the last three categories above

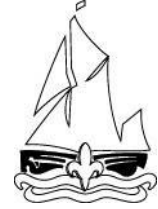
The above list is only regulated where the entertainment takes place in the presence of an audience and is provided, at least partly, to entertain that audience.

Responsible Authority: includes any of the following:

- relevant licensing authority and any other licensing authority in whose area part of the premises is situated
- local Chief Officer of Police
- local Fire and Rescue Authority
- enforcing authority for Health and Safety at Work etc. Act 1974
- local authority with responsibility for environmental health
- local planning authority
- body that represents matters relating to the protection of children from harm (safeguarding unit)
- the primary health function of the relevant local authority
- local weights and measures authority (trading standards)
- in relation to a vessel, a navigation authority, the Environment Agency, the British Waterways Board or the Secretary of State for Transport (Maritime and Coastal Agency)
- The Home Office (Immigration Enforcement)

Temporary Event Notice: a permitted temporary activity involving one or more licensable activities subject to the following various conditions and limitations:

- duration - they are limited to events lasting for up to 168 hours (7 days) with a minimum period of 24 hours between events authorised under separate s on the same premises;
- scale - they cannot involve the presence of more than 499 people at any one time;
- premises - a particular premises is limited to 15 notices in a calendar year and subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- notice - the number of notices given by an individual within a calendar year is limited: to 50 notices for a personal licence holder and 5 notices for other people.



REPORT of DEPUTY CHIEF EXECUTIVE

to
COUNCIL
13 FEBRUARY 2025

STREET COLLECTIONS POLICY 2025-2030

1. PURPOSE OF THE REPORT

- 1.1 The Council's Street Collections Policy (the Policy) provides guidance relating to charitable street collections on how the Council administers applications for permits, applies the law / regulations and ensures fairness to charities. The Council's existing policy was published in November 2018 and so is due for review.
- 1.2 Officers have undertaken a comprehensive review of the existing policy and made appropriate changes to ensure that it takes account of current best practice and updated guidance.
- 1.3 In July 2024, the Licensing Committee agreed that the draft policy be published for public consultation and, subject to no / minor amendments resulting from stakeholder comments, that it be brought to the Council for approval.
- 1.4 No changes were required as a result of the consultation exercise and the Council is now asked to consider and approve the revised policy set out in **APPENDIX 1**.

2. RECOMMENDATION

That the Council approves the adoption of the Street Collection Policy 2025-2030 presented in **APPENDIX 1**.

3. SUMMARY OF KEY ISSUES

- 3.1 Maldon District Council (the Council) is responsible for issuing permits for charitable street collections within the district as directed by 'The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 ("the Act").
- 3.2 The Act requires that anyone wishing to make a public collection or sell articles for a charitable purpose anywhere in the district of Maldon must have a Street Collection Permit. This enables the Council to regulate the number of collections taking place at any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.
- 3.3 The Street Collections Policy details:
 - How street collection permits will be fairly allocated.
 - How applications are to be made.

- Additional information for charitable bodies who may be seeking a permit for a street collection.
- 3.4 The Policy affects any person charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.
- 3.5 The Policy does not apply to:
- Collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
 - Collections made incidental to meetings in the open air.
 - The selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale are for charitable purposes.
- 3.6 The Council's existing policy was published in November 2018 and had an effective operational end date of June 2023. Consequently, the Policy is now out of date and action is required to ensure it remains relevant.
- 3.7 On 16 July 2024, the Licensing Committee considered a revised Policy drafted by officers and approved that it be published for a period of public consultation.
- 3.8 Public consultation of the revised Policy commenced on 26 August 2024 for a period of six weeks ending on 14 October 2024. The consultation was hosted on the Council's website and comments were invited either by email or via a MS Form. Additionally, the Council contacted a range of stakeholders (as agreed by the Licensing Committee) highlighting the proposed Policy and inviting comments.
- 3.9 The Council received no responses to this consultation.
- 3.10 The Policy presented at **APPENDIX 1** is therefore as agreed by the Licensing Committee on 16 July 2024.

4. CONCLUSION

- 4.1 The Council's Street Collection Policy has been reviewed and updated as required by law.
- 4.2 The Council undertook a public consultation exercise of the draft Policy but received no comments from any stakeholders and so remains as agreed by the Licensing Committee.
- 4.3 Members are asked to review the proposed policy and agree its immediate implementation and publication on the Council's website.

5. IMPACT ON PRIORITIES AS SET OUT IN THE CORPORATE PLAN 2025 - 2028

5.1 Supporting our communities

5.1.1 The Street Collection Policy outlines how the Council will consider and process applications for charitable street collections within the district. The Policy details how applications can be made and for what purposes.

5.2 Investing in the District

5.2.1 Charity collections are an important method for local and national charities to bring in donations. The Policy ensures that all charities are provided with an equal opportunity to undertake collections within the district whilst ensuring that the number and frequency are controlled. Further the Policy specifies acceptable behaviour standards for those undertaking street collections so that they do not unreasonably impact upon visitors and residents.

5.3 Delivering good quality services.

5.3.1 The Street Collections Policy ensures that decisions made by the Licensing Team are consistent and transparent. It ensures that all charities have equal chance to undertake street collections within the Maldon district.

6. IMPLICATIONS

- (i) **Impact on Customers** – The Policy provides transparency of process to both applicants and stakeholders.
- (ii) **Impact on Equalities** – The revised Policy ensures that all stakeholders are treated consistently and equitably. It ensures that information provided to applicants is clear and accurate.
- (iii) **Impact on Risk (including Fraud implications)** – This policy provides clarity to all stakeholders of the requirements placed upon applicants and the decision-making processes that will be followed when determining a licence reducing the risk to the Council of challenge and / or appeal.
- (iv) **Impact on Resources (financial)** – A sound and compliant Policy helps protect the Council from the costs associated with challenge and appeal. There is no budgetary impact to this Policy.
- (v) **Impact on Resources (human)** – There is limited / minimal impact.

Background Papers:

- **APPENDIX 1** - Maldon District Council's Street Collections Policy 2025-2030 (DRAFT)
- [Police, Factories, & c. \(Miscellaneous Provisions\) Act 1916](#)

Enquiries to: Nick Chapman, Head of Environmental Health, Waste and Climate Action

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Maldon District Council

Street collection Policy

2025 - 2030

CONTENTS

1. Aim	3
2. The Law	3
3. Definition of a Street Collection	4
4. Scope of Policy	4
5. Permit Requirements	4
6. Collectors Behaviour	5
7. Registered Charities and Charitable Organisations	6
8. Exemptions	6
9. Hearing Procedure	7
10. Proceeds Statement Form	7
11. Offences & Penalties	7
12. Review and Representations	7
13. Appendices	7
APPENDIX A – Application for a Street Collection Permit	8
APPENDIX B – Charity Collection Form of Statement	10
APPENDIX C – Street Collection Regulations	12
APPENDIX D – Map of the Maldon District	15

Document Control Sheet

Document title	Street Collections Policy
Summary of purpose	To provide transparency and consistency of approach when determining permitting decisions
Prepared by	Daniel Winter
Status	Draft
Version number	1
Approved by	Council
Approval date	To be confirmed
Date of implementation	Immediately following Member approval
Review frequency	5 years
Next review date	June 2029
Circulation	Public document
Published on the Council's website	Yes

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Street Collections Policy

1. Aim

- 1.1 The aim of this policy is to set out the principles that will be applied in dealing with applications received for charitable collections under the 'Street Collection Regulations' in order to ensure fairness, to prevent nuisance caused by frequent or intrusive collections and to protect the public from unscrupulous collecting activities.
- 1.2 This policy sets out:-
- (i) how applications for street collection permits will be fairly allocated;
 - (ii) how applications are to be made; and
 - (iii) additional information for charitable bodies who may be seeking a permit for a street collection.

2. The Law

- 2.1 Maldon District Council operates under the regulatory framework established by the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended by section 251, schedule 29 of the Local Government Act 1972, to oversee street collections. This policy should be read in conjunction with the regulations, a copy of which is attached at **Appendix C**
- 2.2 These Street Collection Regulations require that anyone wishing to make a public collection or sell articles for a charitable purpose must have a Street Collection Permit from the Council if collecting anywhere in the district of Maldon (see map, **Appendix D**). This enables the Council to regulate the number of collections taking place at any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.
- 2.3 Applicants dissatisfied with the rejection of their permit application have the option to formally request a review by a sub-committee of the Licensing Committee. Such requests must be submitted in writing within 21 days of receiving the refusal letter, specifying the grounds for review.
- 2.4 While avenues for legal appeals against the Council's decisions regarding permit refusals are not provided by the Act, individuals or organizations may pursue a Judicial Review if deemed necessary.
- 2.5 Maldon District Council mandates the submission of a comprehensive statement form, as outlined in **Appendix B**, detailing the collected amount and other relevant information. Failure to comply will result in referral to legal services.

3. Definition of a Street Collection

- 3.1 A street collection is defined as a collection of monies that takes place on “street” this includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not. A permit is also required if collections are made in car parks or shop doorways.
- 3.2 For those wishing to collect on private property i.e., within a store/supermarket etc. a permit is not required by the local authority. Permission should be sought from the landowner/store proprietor before commencement of a collection.

4. Scope of Policy

- 4.1 This policy affects any person, charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.
- 4.2 The Regulations and this policy do not extend to: -
- collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
 - collections made incidental to meetings in the open air; and
 - the selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale is for charitable purposes.
- 4.3 All permit holders should be aware that they have responsibilities to the public in the course of their collection activities. Applicants should have adequate insurance cover, including public liability.
- 4.4 The grant of a permit does not allow the placement of any vehicle, stand, chair, items of equipment or display material, and applicants should be aware that the placing of these on the highway may constitute an obstruction.

5. Permit Requirements

- 5.1 Applications submitted must comply with the following requirements.
- 5.2 All applications for a permit to be made in writing on the specified form (available on the Council’s website). A copy of the application form is attached as **Appendix A**
- 5.3 Only applications that are fully completed will be processed. Those that are incomplete will be returned to the sender.
- 5.4 Permits will only normally be granted to charities registered with the Charities Commission. An application, however, will be considered from an organisation or activity, which although not charitable by strict definition, is charitable or non-profit making in character. Proof of charitable status or of the charitable nature of the organisation is required to be submitted with the application.

- 5.5 Any application that is received less than one calendar month before the date the permit is requested shall be refused except in exceptional circumstances and this shall be at the discretion of the Council. No application, however, shall be considered if submitted less than three weeks prior to the requested date except in the case of an application in response to a significant international, national, or local disaster, in which case the Licensing Manager, using discretion, can waive these requirements and the restrictions on the number of permits that can be issued for any one day.
- 5.6 Applications received for the following calendar year shall be considered on the first working day of the year in which the collection will take place unless the collection date requested occurs in the first three months of that year.
- 5.7 Applications received for the following calendar year shall be considered on the first working day of the year in which the collection will take place unless the collection date requested occurs in the first three months of that year.
- 5.8 Where the requested collection date falls within the first three months of that year, applications must be submitted a minimum of three months in advance of the intended collection date (i.e. an event on 20th February must be applied for on or before 20th November the preceding year). This prevents collectors from booking too far in advance at peak times of the year.
- 5.9 The Council will not permit anyone to assist or take part in any collection without the written authority of society, committee, or other body to whom a permit has been granted.
- 5.10 The Council will only permit a maximum number of 4 collectors for any collection unless exceptional circumstances apply. If more than 4 are required, prior approval from the landowner must be approved. All collectors must be over the age of 16 or supervised by an adult if under the age of 16.

In respect of processing applications.

- 5.11 Applications will be dealt with on a 'first come, first served' basis, but, when applications are considered simultaneously at the start of the calendar year, officers will seek to ensure that one-off bookings are not disadvantaged as a consequence of block / regular bookings.
- 5.12 Only two street collections permits will be granted within the district on any one day: collections granted will be in separate locations within the district. The exception to this is set out below.
- 5.13 More than two Street Collection Permits for any one day may be granted within the district in respect of any significant community type event. The maximum number and locations of permits shall be set individually for each such event, and prior to each event, by the Council.
- 5.14 A permit will not be granted to any organisation or body which failed in the previous year to make an adequate statement setting out the required financial information (as required in clause 16 of the Street Collection Regulations) to the Council.
- 5.15 The Council does not make a charge for the issue of a Street Collection Permit.

6. Collectors Behaviour

- 6.1 No collector should approach, bother, or beg any person in a manner that constitutes a nuisance. Failure to comply could result in the refusal of further permits issued by Maldon District Council.
- 6.2 Collectors shall not cause obstruction, congestion, or nuisance to the public, and must not block pathways.

- 6.3 Collectors shall avoid approaching seated individuals or those in unrelated queues unless authorized by private site agreements.
- 6.4 Collectors shall refrain from approaching individuals engaged in official duties or working.
- 6.5 Collectors shall not interfere with, or disrespect, staff from local businesses.
- 6.6 Collectors shall not mislead the public by suggesting conversations are not about fundraising.
- 6.7 Collectors shall not hand out or distribute printed material, leaflets or similar.
- 6.8 Where a collection box is being carried it must not be shaken.
- 6.9 All collecting boxes, receptacles or trays must prominently display the name of the charity/fund for which they are collecting for.
- 6.10 Collectors must not position themselves within three meters of:
- a pedestrian crossing;
 - a cashpoint machine;
- 6.11 No payment or reward shall be made or given to any collector directly or indirectly, or to any person connected with the promotion or conduct of a collection, 100% of the monies collected must be given to the society/charity for which the collection was obtained for.
- 6.12 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Activity Code of Fundraising Practice on face-to-face fundraising.
- 6.13 Members of the public who have experienced any behaviour that contravenes the guidelines outlined in sections 5.1 to 5.6 are encouraged to lodge a complaint. Complaints should be submitted through our online complaints form, which can be accessed on our website.

7. Registered Charities and Charitable Organisations

- 7.1 Maldon District Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 7.2 Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.

8. Exemptions

- 8.1 Maldon District Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 8.2 A general exception to this policy is applied in respect of:
- Royal British Legion Poppy Appeal. No permit is required.
- 8.3 Other exceptions to the policy may be made in the following circumstances and will require a written request to the Head of Environmental Health, Waste and Climate Action.
- 8.4 Response to natural disasters (e.g. earthquakes/tsunamis– an application may be made outside the normally required time.

9. Hearing Procedure

- 9.1 Where Licensing Services are unable to issue a permit to an applicant, for example if the applicant has a conviction of dishonesty, then the application would need to be determined by the Licensing Sub-committee.
- 9.2 The Licensing Sub-committee will communicate their decision to the legal and democratic team after the hearing. All parties will receive written confirmation of the decision within 7 days.

10. Proceeds Statement Form

- 10.1 Within one month after the date of any collection or sale the person, society, committee, or other body of persons responsible for the collection shall forward to Maldon District Council Licensing Authority a statement in the form set out in the Schedule to the Regulations. Unless there are multiple collections in the same month, in which case the return must be submitted to the Licensing Authority within one month of the final collection. This form will be attached to the permit when it is granted an example is attached as **Appendix B**

11. Offences & Penalties

- 11.1 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.
- 11.2 Any person who acts in contravention of any of the foregoing Regulations will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale. (currently £200). – Anyone who violates these regulations may be fined up to £200 upon summary conviction.

12. Review and Representations

- 12.1 This policy will be reviewed at 5 yearly intervals, unless there is a change in the legislative requirements relating to charitable collections before that time.
- 12.2 Anyone wishing to comment on this policy may do so at any time via the Council's 'Contact Us' page on the Council's website at www.maldon.gov.uk.
- 12.3 Complaints relating to the services provided may be made via the Councils' website, www.maldon.gov.uk, 'How to make a complaint'.

13. Appendices

- Appendix A: Copy of application form
 Appendix B: Street Collection Regulations
 Appendix C: Copy of form required for the statement of amount received.
 Appendix D: Map of the Maldon District

DEFINITIONS

- | | |
|---------------------|---|
| Collection | means a collection of money or a sale of articles for the benefit of a charity or other purposes and the word "collector" shall be interpreted accordingly. |
| Promoter | means a person who causes others to act as collectors. |
| Licensing Authority | means Maldon District Council. |
| We | means Maldon District Council. |
| Permit | means a permit for a collection. |

APPENDIX A – Application for a Street Collection Permit

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Application for a Street Collection Permit

Applicant's Surname:	
First Name(s):	
Title: Miss, Mrs, Ms, Mr, Other	
Address:	
Postcode:	
Email address:	
Tel. No:	Mobile No:

1. Name and address of society, committee, or other body responsible for the collection:

2. Name and address of secretary of the society, committee, or other body:

3. Name and address of the charity or fund to benefit from the collection:

4. Date of collection to commence: __/____/____

5. Date of collection to end: ____/____/____

6. Alternative date(s): _

7. Collection to be between the following hours: ____:____am ____:____pm

8. Area or areas within the Maldon district where the proposed collection will take place:

9. Method of collection (such as sale of flags, emblems, etc. or collection of money):

10. Approximately how many people will be authorised as collectors: .

11. Is application being made for collections for the same purpose in other districts? Yes / No If yes, please list which Council(s): _____

12. Will remuneration be paid out of the proceeds of the collection? Yes / No

(a) Amount to collectors: £ _____

(b) Amount to other persons: £ _____

13. Has anyone associated with the promotion of the collection been refused or had a licence or permit revoked? Yes / No

If yes, give particulars:

Applicant's Signature: _____

Date: ____/____/____

Data Protection

The data submitted with this form is processed by Maldon District Council (the Data Controller) for the administration of this application. Our lawful basis for collecting this data is complying with a legal obligation (GDPR Article 6.1(c)).

We only share your data for the purposes of processing this application, the prevention or detection of fraud or where we have a legal requirement to do so. We do not pass on your data to any marketing companies.

Further details about how we protect your data can be found in our Terms & Conditions on the Council's website www.maldon.gov.uk/terms. For more information, please contact our Data Protection Officer (DPO) on 01621 854477 or dpo@maldon.gov.uk

If you have any queries or wish to make a complaint about how we have handled your data, please contact the DPO above, or the Information Commissioner's Office at www.ico.org.uk or 0303 123 1113.

Please return this form to: Maldon District Council, Princes Road, Maldon CM9 5DL.

If you have any enquiries, contact Licensing, telephone 01621 854477 or email licensing@maldon.gov.uk.

APPENDIX B – Charity Collection Form of Statement

CHARITY COLLECTION FORM OF STATEMENT

Name of the person whom the permit was granted: _____

Address of the person whom the permit was granted: _____

Date of Collection: _____ / _____ / _____

Name of charity or fund which is to benefit: _____

Show nil entries

Proceeds of Collection	Amount	Total	Expenses and Application of Proceeds	Amount	Total
From collecting boxes as per list of collectors and amounts attached hereto			Printing and Stationery		
			Postage		
			Advertising		
Interest on proceeds			Collecting boxes		
			Badges		
			Emblems		
Other items:-			Other items:-		
			Payments approved under Regulation of balance		
			Disposal of balance (insert particulars)		
TOTAL £			TOTAL £		

Certificate of the person to whom the permit was granted

I certify that to the best of my knowledge and belief this is a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: _____ Signed: _____

Certificate of Accountant

I certify that I have obtained all the information and explanations and that this is in my opinion a true account of the proceeds, expenses and application of the proceeds of the collection.

Date: _____ Signed: _____

Qualifications (see Regulation 16) _____

Please return this form to: Maldon District Council, F.A.O. Licensing, Princes Road, Maldon, Essex CM9 5DL.

www.maldon.gov.uk

Telephone: 01621 854477

APPENDIX C – Street Collection Regulations

1. In these Regulations, unless the context otherwise requires:-

“collection” means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word “collector” shall be construed accordingly;

“promoter” means a person who causes others to act as collectors;

“the licensing authority” means “the Maldon District Council”;

“permit” means a permit for a collection;

“contributor” means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

“collecting box” means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the area administered by the Maldon District Council unless a promoter shall have first obtained from the licensing authority a permit.
3. Application for a permit shall be made in writing in a form prescribed by the licensing authority not later than one month before the date on which it is proposed to make the collection.
Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (a) No person may assist or take part in any collection without the written authority of a promoter.

(b) Any person authorised under paragraph (a) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. No collection shall be made in any part of the carriageway of any street which has a footway.
Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of that person.
10. While collecting:-

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 meters.

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or other person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector. Provided that this Regulation shall not apply to persons being cadets, boy scouts, girl guides or members of such other similar organisations as the licensing authority shall approve for the purpose, where such persons are collecting or selling under the direct supervision of responsible officers and are dressed in the uniform of their particular organisation.
12. (a) Every collector shall carry a collecting box.
 - (b) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
 - (c) All money received by a collector from contributors shall immediately be placed in a collecting box.
 - (d) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14. (a) Subject to subparagraph (b) below, a collecting box shall be opened in the presence of a promoter and another responsible adult.
 - (b) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
 - (c) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (a) No payment shall be made to any collector.
 - (b) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any person connected with the promotion or conduct of such a collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection, the person to whom a permit has been granted shall forward to the licensing authority:-
 1. a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and expenses and

payments incurred in connection with such collection, and certified by that person and a qualified accountant;

2. a list of the collectors;
3. a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1)1. above, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection.
- (3) The licensing authority may, if satisfied there are special reasons for so doing, extend the period of one month referred to in paragraph (1) above.
- (4) For the purposes of this Regulation, "a qualified accountant" means a member of one or more of the following bodies:-

the Institute of Chartered Accountants in England and Wales;
the Institute of Chartered Accountants in Scotland;
the Association of Certified Accountants;
the Institute of Chartered Accountants in Ireland.

17. These Regulations shall not apply:-

1. in respect of a collection taken at a meeting in the open air; or
2. to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

18. By virtue of the Criminal Justice Acts 1982 and 1991, any person who acts in contravention of any of the foregoing Regulations shall be liable on summary conviction to a fine not exceeding the level 1 on the standard scale.

APPENDIX D – Map of the Maldon District



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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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